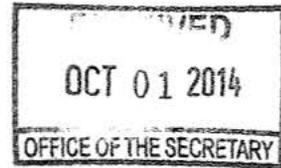


United States of America
before the
Securities Exchange Commission
100 f St. Ne Washington D.C. 20549 -1019



Release no. 72974 sept 3rd 014
Administrative proceeding
File no. 3 - 15628.

Sept 28th 014
Sent us .mail

In the matter of Daniel Imperato
Respondent.

Petition brief not to affirm and void all repugnant judgments as a matter of
law of the land.

Document prepared by respectfully for the comssioners

Dr. Fr. Daniel Imperato , km,ssp,gm & ob pro se

[REDACTED]

Indexes , notes and exhibits

BRIEFS I + II

Copies of exhibits

Rule 60 (b) reverse , vacate (repugnant)(exhibit's a)

Copy of treasury letter(no acknowledgment of my petition just collects)

Imperato has been brutally sabotaged and now fighting to keep food on the table and feed his family because his reputation and great family name has been destroyed by the sec. Dallas regional and mc cole esq.

Mc coles states he knows who is doing this and says do I speak Slovak ,I say no but my fiancé does she is from Lithuania .

Mc cole asks if I am on drugs of nuts .

My fiancé's Child's father is uk citizen working in Dallas Texas/ Florida (for ceo Guillermo of regus usa) for regus (advertised and office provider to sec and their laws are Sutton Ashcroft)corporation who aided and abetted and took my fiancé's child away from her now for 3 years she has not been allowed to see or talk to her son .

All because the sec. case was used in the custody case against me and they took her child. (truth will come out I want mc cole and mr hadfield and regus lawyers on the stand)

Same time my fiancé is interrogated and stated that I was a crook and criminal and stolen 2 mm dollars 6 months before case filed against stated under oath at same time fiscina secretly settled with the sec.(I want fiscina , mangru and chaplic on the witness stand)

Mike Gunst says in 09 sec needs money .

Mr donaty 2010 letter Clearing imperiali (qs and ks)after restated and removed bdc with sec. ruppert's cooperation.

The repugnant judgment is now reaching 4 million dollars and will never get paid because I never received such funds nor did I act as a broker ,nor did I make false statements ,willfully with intent with a mind set to defraud any one ever.

Copy of filings with the admin. Proc.

States a jury like public trial denied

Copies of pleadings (IMPERATO pierces the essential elements from day one and is ignored .

Mc cole states no genuine material factual evidence of disputed claims.

1. 60 investors became 26 change count but not amount of penalties

a. letters from investors stating IMPERATO did not call them and letters from fred birks that they were his clients of which he was charged prior and after dealings with the same people. (double jeopardy)

2. Mc cole says no assets all smoke and mirrors

a. assets reviewed by (banyans sec.) and valued by proper procedures and comparative analysis as well as in accordance with bdc rules and no cease and desist was ordered ever.(violates sec. rules and statutes of limitations have run out) sarbanes oxly) not exfacto laws used illegally by mc ole and stated and recognized on record (dodd -frank)

b. affidavits by the board and personal of imperaili

3. Search engine has search rankings public information and I connect has reciprocal media outlets in over 150 countries just read all the press written and distributed (so how is it possible the assets did not exist.

Other assets basket ball team, movie , tv show (all will be proven on the witness stand)

4. 06 early 07 fiscina takes over with chaplic and mangru and deals with sec. not IMPERATO (proven by correspondence to sec. and edgar as the reasonable persons.

5. 08 Kaiser himmel take over control and every thing disappears (money asetts ect)gets sentenced and IMPERATO being accused when he tried to save what a shell company (why would I take back a company from skies and criminals if it was all bogus)?

This case was dug up and used against me

Insurance policies and claims (case #14cv 80586 Case #914cv80323 active today)

Mc cole stated we had no insurance (misrepresentation when he knew because they were filed with edgar and sent to the sec. 07)

Copies of partial transcripts (misrepresentation ,fraud , error ,)

a. Non consented magistrate judge misrepresents his own order and lies in court and the says OH

Settlement agreement

b. Mc cole perjures him self in courtesy hearing stating there is no settlement agreement

c. Judge Ryskamp misrepresents the facts stating I never complied with documents required for settlement (financials filed with court and sent by tina justice)

Case closed (mc cole never files settlement deceiving and deliberate)

The commission never gets a copy of settlement for approval.

mc cole stated was guarenteed (witness by marshall and judge)when I signed the settlement under duress against my will but I was told by judge Palermo ,that ryskamps wants it signed and the ai will never get a trial by jury forget the constitution.

d. case closed (no objection by plaintiff) Ryskamp says I should have know better it was closed and then the closing we just vacate (there is no vacating order and no reopen order)

e. admin Judge Elliot's order states that sec. must meet burden by standards sec.v rappoport (not met)

f. third tier penalties exuberant and was ordered by judge Palermo changed amount in settlement

g. tax returns prove no way IMPERATO received personally 2 million dollars (audited by irs)

h. no evidentiary hearings in court and no public jury like trail in admin.

Proc. as required by law and order .

I. jury trial demand ordered and denaturalized

Abuse of power and discretion with prejudice abd passion.

Redress of grievance supreme court

Settlement agreement(has been vacated by mc coles purge and judge error)

Case closed (reopened illegally without trail by jury)

Mc cole contacts all shareholder to ask if they will testify against me and he came up with OOOOOOOOOOOOOO.(I will present witnesses)

* Exhibits page 1-98-A-Y

* July 21st rsvp with exhibits (proving my argument with Texas regional mc cole esq.) (77 seventy seven pages)

Case laws & citations

(just a few of many sited in all pleadings and rsvps to the commission and the court)

Stromberg v California 283 us 359 pp 395 us 30-32.

tot v united states 319 us 463 pp 395 us 32-36.

Washington v Texas 388 us 14

winship 397 us 358.”

allis v united states 155 us 117 us 122 (1984) quoting Harvey v Taylor 2

wall 328 69 us 339 (1865)

bolling v sharpe

Mark gabelli v sec

United states v Moreland

Brady v Maryland

Haynes v Washington

Boyd v united states

Mooney v holohan
hysler v florida
Sec. v rappoport (burden not met)
Cuban v sec (with held evidence)
Hurtado v california (jury trial denied)
Albertson v subversive activities control board
united states v commodities trading corp 339 us 121 ,123 (1950)
(28 usc code &453). (5 usc code &1331)section 1 clause 8
17cfr parts rule 53 governs equal access to justice act (eaja) 5 usc 504
Griswold v Connecticut
tel labs inc. v maker issues &rights ltd no 06-484 ,2007 wl 1773208
section 21 d (b) (2) of the act 15usc &78a -4(b) (2)
The reform act fed r p. 9 (b)
glen frd inc. sec litig 42 f 3 d 1541(9th circ.1994)
stac electric sec.litig 89 f 3d 1399 (th circ. 1996)
section 21d (b) (2) pslra
quoting the oxford English dictionary 949 (2ed 1989) id at *10
15 usc 78c (a) (47) may be brought not later than earlier of (1) 2 years after
discovery of the facts constituting the violation or (2) 5 years after such
violation 28 usc &1658 (b).
lampf ,pleva lipkind ,pruis &petigro v gilbertson 501 us 350 (1991)
Sec 15 (b) (6) (a) 15usc 780(b) (6) (a) ,15 b c 4
929 t sec 29 15 usc 78 cc (a).
Spencer barasch
Oig finding s
16 wall ,36 (1873)
Involuntary servitude 18 usc &1584
1st amendment
5th amendment 14th amendment
*Cannon codes and rules of professional Conduct
*Notes please look at underlining of the transcripts which is pure genuine
proof of perjury and misrepresentation ,fraud upon the court as well as
error.
*The us government securities exchange Dallas regional office and timothy
s mccole esq. are in violation of the constitution of the united states, their
oath to defend the constitution amongst many other violations.
*There have been so many laws broken and precedence set is very bad for
the honorable commissioners(because of abuse of a few insiders)



Brief Part I

United States of America
before the
Securities Exchange Commission
100 f St. Ne Washington D.C. 20549 -1019

Release no. 72974 sept 3rd 014
Administrative proceeding
File no. 3 - 15628.

Sept 22th 014
Sent us .mail

In the matter of Daniel Imperato
Respondent.

Brief

Petition granted pursuant to rule 411. And fed. civ (rule 60 b).
Vacate

I Daniel Imperato have great respect for the 5 member board of the commission and this is not an attack on them nor on Mary JO White chairman. Your are fine hard working people trying to uphold the laws of which I respect and of which I did not violate.

Request for full court review

This was a bag of bones dug up for other motives.

The constitution protects against unfair treatment in legal process
Rule (60) b allows for relief of judgment or order by the court
(A) ,(b) 1,2,3,4,6.

Please vacate these proceedings and stop wasting the tax payers money and your time with nuisance claims . Reasonable doubt I ever committed such violations . (Leary v united states) (cool v united states)

“ the jury if (I had one) under the trial courts instructions ,might have found me innocent with the aid of the evidence and cross examinations of witness . A presumption is not foreclosed from challenging to the constitutionality of that presumption because a jury might have based its verdict on the alternative theory in the instructions which doesn't not rest upon presumption . When a case is submitted to the jury on alternative theories (the jury I was denied and due process) ,the unconstitutionality of any of the theories that the conviction be set aside.”

set aside the proceedings and judgments as matter of law.
See Stromberg v California 283 us 359 pp 395 us 30-32.

“a statutory presumption must be regarded as irrational or arbitrary and hence unconstitutional ,unless it can be said with substantial assurance that the presumed fact is more likely than not from the proved fact on which it is made to depend.:

See tot v united states 319 us 463 pp 395 us 32-36.

“trial courts accomplice instructions in effect requiring the jury(the jury I was denied) to decide that a defense witness testimony was :true beyond a reasonable doubt before considering that testimony impermissibly obstructed the right of a defendant to present exculpatory testimony of accomplice as in (other directors which I was denied cross examination and witness on stand) see Washington v Texas 388 us 14) and it unfairly reduced the persecutions burden of proof ,since its is possible that the testimony would have created a reasonable doubt in the minds of the jury(the jury I did not have as in acting as (prosecutor) mc cole and magistrate acted as a prosecutor and a jury and a judge all in one) ,but that is was not considered because the testimony itself was not believable beyond a reasonable doubt, ct in re winship 397 us 358.”

Mr IMPERATO is a papel knight , grand prior, knight of malta , doctor of international business foreign affairs and interreligious dialog as well as a Chaplin and friar (priest) mr Imperato character doesn't line up with the false claims made against him as a scienter or in any event he is a clean honorable citizen with no prior record what so ever for 56 years. And has always protected his people from fraud and has always cooperated with authorities.

The partial final false summary judgment improperly placed the burden of proof on the defendant and was in violation of court procedures with a non magistrate judge when a settlement agreement was in effect . Imperato has never been proven guilty and in(winship supra),that the governments burden of proof was never tested by the defendant that the constitution requires proof of guilt beyond a reasonable doubt . Because such requirement is plainly inconsistent with the constitutionality rooted presumption of innocence ,the judgments must be revered.

“ a party must take every reasonable effort to secure from the trial court correct rulings or such at least as are satisfactory to him before he will be permitted to ask any review by the appellate tribunal and to that end he must

be distinct and specific in his objections and exceptions. :

“justice itself .and fairness to the court which makes the rulings complained of require that attention of the courts shall be specifically called to the precise point to which exception is taken ,that it may have an opportunity to reconsider the matter and remove the ground of exception

See *Allis v United States* 155 U.S. 117, 122 (1984) quoting *Harvey v Taylor* 2 Wall 328, 69 U.S. 339 (1865)

MC COLES PERJURY AND NON COMPLIANCE WITH PROCEEDINGS AND FALSE STATEMENTS TO THE COURT AS WELL AS HAS NEVER MET THE STANDARD OF BURDEN OF PROOF AS IN;

see *Rappoport v Sec.* & *Texas Finical Group v Sec.*

THE DALLAS TEXAS REGIONAL OFFICE ONCE AGAIN IN VIOLATION OF THE COMMISSIONS OWN RULES AS IN;

Spencer c Barasch admin proc.

Fifth amendment of the United States Constitution (bill of rights) is law of the land and it has been violated by Mc Cole Esq. as well as rules of professional conduct under the Canon Codes.

Substantive due process required to meet the burden of due process has not been met by Mc Cole in either these proceedings (*Sec v Rappoport*), nor in the federal case when my trial by jury of peers was taken away and the settlement agreement was breach of contract and the Mc Cole purge himself.

(*Hurtado v California*) (28 USC & 2111)

Mc Cole stated I had no insurance , I never provided financial information as to the settlement ,he said there was no settlement agreement as well as claimed my assets were none existing (false) and I self unregistered securities which are all misrepresentation ,fraud upon the court and in error. When requested to have my insurance company provide me legal counsel I was ignored by Mc Cole in violation of the equal protection requirements (*Bolling v Sharpe*.)

I have been deprived of life liberty and property without due process of law and private property been taken from me merited by the united states constitution .

The repugnant judgments against me have placed me in involuntary servitude for over 1 year .

I have been deprived my citizenship by these proceedings and the court case. (United states v Moreland)

I was denied equal access to the courts without evidentiary hearings.

Mc cole oath of office is to uphold and protect and defend the constitution of the united states or be subject to a grand jury (9-11.000)

Claims was hearsay with no factual hard evidence and cross examinations.

These proceedings are double jeopardy and should have been included in the federal court case as and affiliated case stated by judge Elliot with my rights to clear my name(like jury trial public forum) which I have been denied . Collateral estoppels goes both ways .

I gave my oath after 16 hours of testimony in 2008 and the commission failed to prosecute in accordance with their own rules and regulations concerning 34 ,40 act and bdc rules.

Then the use Brady material and tried to self incriminate me by filing false claims of which were already settled with fiscina and never filed against me with in the statutes of limitations nor with the proper time frame after the wells interrogations. (Brady v Maryland)

This is unfair and inherently coercive and these prolonged proceedings should have been inadmissible in court case and now theses proceedings. (Haynes v Washington) .

I demand my governments protection under 41 wall , and demand court appointed legal representation as in.
(Boyd v united states) proceeding to forfeit goods for and offense against the laws ,through civil inform, and whether in rem or in personam is a

“criminal case” with in the meaning of that part of the fifth amendment which declares that no person shall be compelled in any criminal case to be a witness against himself.

Prosecutorial misconduct (PERJURY)

The use of testimony known by the prosecuting officer to have been perjured ,and though suppression by them of evidence to him, sufficiently alleges a deprivation of rights guaranteed by the federal constitution and the denial of repugnancy with out a determination as to the truth of the allegations is error. P 317 us 216

(Mooney v holohan) (hysler v florida)

The judgments resulted from fundament unfairness amounting to a denial of due process of law ,may apply to the supreme court even though that court has affirmed his judgments ,for permission to apply for writ of error ,and who is afforded a full opportunity to have a jury pas upon his claims provide that he first make adequate showing of its substantiality ,is a procedure which meets the requirements of due process of the fourteenth amendment p 315 us 415.

I was denied my writ of error and and rule 59 hearing to alter and amend judgments based on the violation of due process of law and errors and perjury by mc cole and fraud upon the court with passion, prejudice and motive willfully in the mind set to ruin my life ,Carrere and my financial ability for the rest of my life.

I demand my rewards (aggrieved party)under cfr. And a full court review concerning mc coles conduct and when found in violation of the us constitution against his oath be held in front of a grand jury .

The unlawful ill begotten judgments have placed me and my family in involuntary servitude and have restrained me of my liberty and taken away my due process . Any judgments holing me in involuntary servitude (usc) and confinement with out due process of law is in violation of the 5th amendment and the 14th amendment of the united states constitution. The grounds of my charge are in substance that the sole bases for the ordered judgments was purged testimony ,which was knowing used by the prosecutors mc cole in order to obtain the judgments ,and also these same

authorities deliberately suppressed evidence which would have impeached and resulted the testimony used and given against me. I allege that I could not be reasonable diligence have discovered prior to the denial motion for a new trial ,(I was denied rule 59) and in my appeal the supreme court will have the evidence which was subsequently developed and which will prove the testimony against me have been perjured by mc cole and other witness .(not being cross examine and questioned)

Due process of law is required and it was denied the judgments are repugnant and void at once. Case closed (de 104) see exhibits july 21st 014 rsvp attached.

The magistrate judge purged when he said he never signed the order (see attached transcripts pages) that my motions has merit, mccole replace fiscina settlement last page on the filings (de s see exhibits) and change d it , mcole settled the case twice and then said under there was no settlement agreement ,the judge rykamp hood winked with perjury stated that I never delivered the financials whioch bis false and error since they were sent by Tina justice (mc cole stated they were not)pre paid ps and I also filed them in the court(de)

This whole settlement and reopen of case and denial of jury trail is a big FRAUD and CONSPIRACY, bribery against citizens rights by the Dallas Texas office of the sec. not by the 5 commissioners.

See Mooney doctrine (vacate these proceedings and judgments .)

Mccole and the magistrate used bray material and other material evidence received from ficsina when they settled with him in exchange for his cooperation against me as in bribery coercion and conspiracy and then used my othe statement at wells against me when I was the one who requested wells for Eric skies(Kaiser himmel) criminal acts . Not the sec. They never requested wells.

These proceedings and the whiles case was targeted against me and I was singled out as in
(Albertson v subversive activities control board.)

Tier three penalties with no trail by jury and no due process and no burden

of proof met is not

Just compensation (united states v commodities trading corp 339 us 121 ,123 (1950)

When in fact my tax returns show I never personally earned 2 million dollars and that I am now insolvent which shows in my financials statements provided to the court and the commission.

The judgments of passion and prejudice are repugnant and exuberant not only cant I pay them but I am innocent and the judges words that they are academics c is to put it mildly they are VIOD

Mc cole has violated hos oath of office as a layer for the government and the so have the judges under

(28 usc code &453). (5 usc code &1331)section 1 clause 8

To the best of my ability preserve ,protect ,and defend the constitution of theses united states. So help me GOD

Rule (60) b allows for relief of judgment or order by the court .

(A) ,(b) 1,2,3,4,6.

1. Mistake and surprise when mc cole deceived me and did not file the settlement agreement and then breeched it and vacated it.

2. Affidavits were produced to the court proving assets are real as well as letters from the so called 26 shareholders that I did not cold call them

3. Fraud upon the court is as clear as day with no evidentiary hearings ,a non magistrate judge enters a final summary judgment when a settlement agreement was reached and reopens a closed case by the senior judge ryskamp overruling the judges orders closing the case when he was not consented and many other passionate ,prejudiced singled(settling with fiscina 6 months prior) out activities when mc cole stated no settlement agreement existed to ryskamp and ryskamp said I didn't provide information to mc cole all fraud ,deception ,perjury and with will full intent to ruin my lije entering an exuberant tire 3 penalties without and evidentiary hearing and no cross examinations is disgraceful and violation of due process of laws.

4. Judgment is void as matter of the laws of the land and the united states

constitutional when my trial by jury was taken away and by rights were denied which makes the court ordered and judgments automatically ,immediately repugnant to the united states constitution and void.

6. Other reasons are as clear as day shown in the dockets and in the appeal when genuine material factual evidence of disputed claims was submitted (07)and ignored ,vacated ,mooted and stricken .

a. subpoena .STAFF (DIRECTORS AND OFFICERS Fiscina ,chaplic , adan , mangru , hong , lily , grigiere ,oddo,)

And others., and others(consul Greenburg traug and legal and complains esq. Laura Anthony) and put them on the stand at your public hearings and let me examine them period.

b. a directed settlement by a master magistrate Palermo whom sated “ the sec. mc cole is government guy who wont ever let go because he only cares about him self and another notch on his stick so he has a good name for his personal practice to come , he also stated MARCO RUBIO is a liar ,as well as stated the ryskamp ordered this case to settle and wants it out of his court now, and the I would never have a trial by jury and never have any rights to the united state constitution under ryskamp when he threw a copy of the constitutional books at me and said rykamp wont hear of it and you think you will debate the constitution with ryskamp forget it: and then demand me to signed settlement agreement closing case.

c. mc cole said when he got my tax returns at my car out side after settlement signed that he never read any of the files nor did he ever see the evidences sent to him and Reponses to the complaint the was ordered to litigate and that’s what he doesn’t not read files and evidence he just does what his boss says go getm.

d. rules of prof. conduct. ,This is not justice and mccole has and obligation under oath to uphold the constitution and the truth and justice of a case not to act as prosecutor with the magistrate whom acted as the lawyers, jury , judge all in one.

Vacate these proceedings at one and these judgment
of passion and prejudice.

The admin. Proc. Have disallowed my due process of law and have not abide by their own rules and regulations as well as court orders.

1. The admin. Original proceedings stated I would have a right to prove whether or not I did the crimes in the lower court case as well as the admin case stating I acted as a broker.
2. The admin proceedings stated I would have a public hearing and a day in court with like jury trial of peers in front of the public .I was denied those hearings.
3. I provide substantial evidence in affidavits, public information , search engine rankings , global press distributions , cable projects reviewed by banyans own sec., q s and ks, as well as statements signed by the very persons described in the enforcements list of persons as share holders amounting to 60 then whittled down to 26 which has been ignored . These statements Cleary prove I did not act as a broker as well as the affidavits and public information's and q s an ks prove I was nit a scienter of anything and was fully disclosed properly with Edgar filings.(by fiscina reasonable person to the sec.) not imperato.
4. I have proved proof of private placements exemopt from reg. as well as ues kied properly .
5. Amongst so many other proven genuine material facts of disputed claims.
6. The judge Eliot's burden of proof required as in sec. V rappoport have not been met. (See all my responses)

Fraud upon the court

1. These proceedings have caused me financial harm over 20 dollars and have ruined my name and ability to get work and have had companies fire me ,as well as have denied me due process of law holding me in involuntary servitude with repugnant judgments and none merited late past the statutes admin. Proceedings were buy they enforcement has all the proceedings on the internet and their site but yet doesn't not post my responses. This is unfair ,unqual ,and agosnt citizens rights denying the very public hearings the public right to read my responses in violation of full and fair disclosure

,equal access to the admin. Proceedings and against my constitutional rights of due process of law and a trial by jury pf peers which make these proceeding repugnant as well in accordance with supreme court rulings and the laws of the land.

2. The enfacement received my financials and said they did not while signing a settlement agreement with passion to deceive me in their own mindset by not filing the agreement and breeching and violating their own rules and regulations negating arbitrarily the very signed agreement and consent that was notarized and witness as well as administer by a senior magistrates judge under the direction as a master and directed to settle this case under judge ryskamps order and the magistrate Palermo's statements in the settlement conference .

3. This is trickery ,blatant fraud ,deception, misrepresentations and breech of contact by mc cole in the mind set under oath perjury and fraud on the court.

Response in support

Response in support of the grant and the vacating of these proceedings as matter of laws of the land and voiding the repugnant judgments order by the lower court under appeal were by the securities exchange commission staff of the Dallas Texas regional office Mr. timothy mc cole esq and his co conspirators shall be held in accordance with the united states ut laws concerning mc coles fraud upon the court and these proceedings merited by genuine material factual evidence of disputed false allegations in violation of the commissions own procedures concerning the 34 and 40 acts as well as their own determination concerning the inability to reach the burden of proof required by law as in (rappoport v sec) order to be met by the Judge Elliot and ignored by mc cole with no evidence forthcoming and use of evidence from an appealed case not able to be used in these proceedings. No public hearing took place and like jury trail and no due process of law has been met by any standards.

These proceedings and the court case are false claims and nuisance suit to ruin my life and extort me for money.

Mike gunst statement, Danny we know you are a visionary but we just need money . That was in 2009 and aging on a call in 2011 for a case back in

2006 07 with no cease and desist and no admin. Proceedings ever after the wells statements. WHY? Call came same time fiscina settled (sept 20th 2011)the claims and case with the commission with out my consent or knowledge as a party to a case which is not legal.

Case was filed Jan 012. Against me

All the evidence submitted to these proceedings including the dockets and the briefs contained in these dockets t of the lower court and appeal's court are all evidence to be reviewed with oral arguments and full court review by this admin. Proceedings and under due process of law.

17cfr parts rule 53 governs equal access to justice act (eaja) 5 usc 504 .I am demanding my fees and expeses as well as other damages to be awarded to me for the conduct of your lawyer timothy mc cole whom has acted in violation of so many rules that I cant believe the comssioners could allow for such conduct which is a clear violation of rules of prof. conduct , baith faith , unethical as well as fraud on the court including pregury and judgemnts obatined with misrepresenations exhorborant with preudice and passion agisnt imperato with out due process of law and in vilation of the united staes contition as well as dening equal access to justcie and fraud.

1. I am finacially insolvent and have filed complted finacial affidavits with the comssion and this court sereral times in cluding my response of july 21st 2014. The repugnat judgemnts of preudice and passion with abuse of power and deiscretion that were delcared by the judge ryskamp as academic shall be viod as a matter of law and justcie based on the clear fact that the comssions lawyer has never met the standard of the burden of proof in thses proceedings nor have thay met the same in the federal court case when there is no possible way they could have with out evidenatry hearings and discovery denied by mc cole and judgemnts that are so exorborant as in tier 3 twhen imperato never earned personally evodenced by audite dtax returns given to mc cole att settlemnt conference which has tunr out t be fraudlent when mcole guarennted imperato the case was settled and then arbitrarily did not file the copy in court loosing the possiblity to appeal when the case was closed with no objections by mc cole as settled . Mcole reopened a case illegally and unlawfully and then decitfully and deiberatly with minset of a scienter passionalty and preudicly obtained repugnat judgemnts .mc coles adminatrative proceedings are a shame and imperato has provude evedence that he did not act as any stock broker as

well as did not cold call any persons and has assetts based on proper valuations of abdc rules which has been proveen and provided to the courts.

Under 17 cfr 201.630 I have provided financial disclosures that clearly prove my inability to pay and mc cole still after settlement and change of amounts agreed to at settlement initiated by mc cole and witnesses by judge palermo and the marshall notires still continued to obtain tier 3 judgments out of passion and prejudice fraudulently with prugy in the court and I intend to hold him accountable in a court of law and in front of this proceeding under oath. (d) a copy of the ficail staemnts was served on the comssion in my july 21st 2014 reponse with other facual evdience that I did not act as a broker. My fiencil situation has not changed since the settlement contact was entered and then breeched by mc cole es. And is in breach as well as he has state we nvere hada settlement agreemnt so what did I send the comssion a balank settkent agreemnt.

Mc cole also used exfacto laws as in dodd -frank to extend the staatute of limitations and other which is not legal.

Mc cole has never proven scienter or fraud under 10 (5) (b).

I will cooperate with the comssion to the end as to the fraud and uethical proactices of mc cole and his conspiracy to abuse powere and obatin false judgments with bogus claims against me. I was singeld put afte the stautes and its clear as day ,were are all the other board members ,accountants ,lawyers ect. Mc cole stteled with ficina the primary responsvae party and untill I put him on the wittnees stand and cross him this whole case is a shame.as well as other like dan mangur and john chaplic.

I demand my governemnt under (46 wall) to protect me and open a criminal investigation . And provide me consul.

it is hereby petitioned that this court held under article IV of the constitution of the united states of America in its decisions in the slaughter house clause, 16 wall, 36, 1873, that "another privilege of a citizen of the united states is to demand the care and the protection of the federal government over his ,life liberty and property ..." and that if this court up holds this part of that decision , then it will grant me the right of :freedom of choice:, since that rights is not repugnant to the laws of the united states of America in accordance with article I ,section ,8 ,cause 18 of the constitution of the united states of America.

Please review my writ and redress included in my July 21st 2014 response and rule based on my rights that have been stated in the writ. Which will be sent with request for full court review by Supreme Court.

The enforcement has and is violating my 4th amendment rights of unreasonable search and seizure (*Griswold v Connecticut*) which extends to one word from his mouth by continuing to paper me to death and ask for brief and brief when Imperato has already provided sworn statements, affidavits and physical hard evidence that these proceedings and this whole case is in error, false and unsubstantiated as well as in violation of my constitutional rights and person involved should be held indicted and tried by a grand jury for violating their oath of office to uphold constitution laws and rights of a citizen of the United States as I am being treated like denaturalized.

The commissions legal counsel makes arbitrary and capricious pleadings and complaint in concert with a non-consented magistrate judge are unacceptable by any standard of the commission.

A copy of my redress of grievance for the Supreme Court was submitted in my last brief of July 014.

Imperato was never proven any scienter of any thing because without a trial by jury of peers and without evidentiary hearings it is impossible and unlawful to charge a third tier level penalty as well as any penalties against Imperato for scienter when not proven in accordance with the sec. own rules concerning pleading a strong inference of scienter see *tel labs inc. v maker issues & rights ltd* no 06-484, 2007 WL 1773208

Under section 21 d (b) (2) of the act 15 USC & 78a -4(b) (2) holding that inference from the facts pled must be cogent and at least as compelling as any opposing inference of non-fraudulent intent when viewed in the context of all allegations in the complaint id at *4.

The court has not decide whether group pleadings doctrine can be used under the reform act. Its treatment of issue however at least suggests that the doctrine cannot be used in pleading cases under the psira.

The reform act fed r p. 9 (b)

In all averments of fraud or mistake the circumstances constituting the fraud or mistake shall be stated with particularity . Malice intent knowledge and other conditions of mind of a person may be averred generally

With out any discovery or evidentiary hearings or trial by jury of peers this was not and has not and can nit be established that Imperato was a scienter of anything .

See glen frd inc. sec litig 42 f 3 d 1541(9th circ.1994) see also stac electric sec.litig 89 f 3d 1399 (th circ. 1996)

By alleging facts establishing motive and opportunity to commit fraud or by alleging facts constituting circumstantial evidence of either reckless or conscious behavior .

The reform act congress passed in 1995 was to perceived to be a growing abuse in bringing securities actions. As in this abuse by mc cole esq.

The decision by the supreme court

The supreme court reversed the decision of the seventh circuit in an 8 to 1 decision and remanded the case for reconsideration in view of its decision telllabs 2007 wl 1773208 at *3 specifically the court held a plaintiff alleging fraud in section 10 (b) action we hold today must plead facts rendering an inference of scienter at least as likely as any plausible opposing inference . At trial she must then prove her case by a preponderance of evidence stated other wise she must demonstrate that it is more likely than not that the defendant acted with scienter id at *12 .the court nor these proceedings have applied the standard to the fact before it.

The psdra was designed as a check book on merit less suits accordingly the act constrains both procedural and substantive requirements which must be complied with by the plaintiffs in bringing securities damage actions .key sections of the act impose strict pleading requirements .one requirement constrained in section 21d (b) (2) we hold an inference of scienter must be more than a merely plausible or reasonable -it must be cogent and at least as compelling as any opposing inference of non fraudulent intent is at *4.

The dallas regional office and mc ole took away my rights I as in due process of law(see hurtado v calif) to defend myself in front of a jury trial of peers as well as never has had any evidentiary hearings which makes it moot as to the fraudulent ,merit less and frivolous claims made against Imperato.

Citing standard dictionary definitions the court held that strong means powerful or cogent alternate definitions include powerful to demonstrate or convince (quoting the oxford English dictionary 949 (2ed 1989) id at *10 the strength of that inference can not be tested in a vacuum . Rather it must be considered in the context of the entire complaint .thus (a) complaint will survive of scienter cogent and at least as compelling as any opposing inference one could draw from facts alleged id *11

Mc coles and his conspirators acted in bad faith ,fraud , misrepresentation as well as perjury with false statements concerning genuine material factual evidence presented to the commission at wells review that was requested by Imperato not by mike gunst the lead attorney who was contacted by ME because of the eric skies criminal arrest which lead to the demise of imperaili inc of which Imperato white knighted and tried to recover when the sec. and mc ole filed bogus false claims past the statutory limits concerning Sarbanes Oxley of 2002 which sec. 804 of the act added second provision to 1685 which provides

Notwithstanding subsection (a) a private right of action that involves a claim of fraud ,deceit ,manipulation ,or contrivance of a regulatory requirement concerning the securities exchange act of 1934 (15 usc 78c (a) (47) may be brought not later than earlier of (1) 2 years after discovery of the facts constituting the violation or (2) 5 years after such violation 28 usc &1658 (b).

Express causes of action under securities act 15 usc &77a et seq and the exchange act 18 usc &78 a et seq implied causes of action under exchange act &10 (b) have the same limitation period as express cause of action See lampf ,pleva lipkind ,pruis &petigro v gilbertson 501 us 350 (1991)

Even under the new 4 year statutes when the first investigation started in 2006 as stated in the claims as well as the shareholder list of so called sixty

investors that whittled down to 26 with change in the amount but just the count which has been prove false claims against Imperato whom never acted a as broker period and could not be proven with in any state of limitations that he violate such laws .

H r 4173-471 rules are exfacto and not legally applicable to this case Enforcement (aa) more then 6 years after the date on which the violations occurred (bb) more then 3 year s after the date when facts material to the right of action are known or reasonably should have been known by the employees alleging a violation

Investigation started late 2005 -2006 documents served (2007 inquires)on Mr fiscina with out Imperato knowledge and kept from him witness by the staff under oath . In early 2007. And fiscina cco coo wharton grad mr chaplic cpa caught shredding alll the corporate documents aug 2007 witnessed by police reports.

Wells statements after skies fraud case at the request of imperato. The commission did not follow rules and procedures and failed to prosecute a so called fraudulent Imperato timely and properly as in Sec 15 (b) (6) (a) 15usc 780(b) (6) (a) ,15 b c 4

Under h r 4173 -487 exfacto dodd -frank as in 20 (e0 915udsc 78 t (e0 sec. 929 p was not met by its standards in accordance with bdc rules . Of cease and desist orders ,hearings and determinations on tier 1,2 3, claims and penalties.

As well as (3) evidence concerning ability to pay which was Cleary established and ruled as academic judgments since I had no money for a lawyer based on judge ryskamps own statements and repugnant judgments Or 21 (c 0

Sec 4 e deadlines for completing enforcement actions and compliance examinations and inspections. 929 t sec 29 15 usc 78 cc (a).

(a) in general not later then 180 days after the date on which commission staff provide a written wells notification to any person, the commission staff shall enter file and action against such person or provide notice to the director of the division of enforcement of its intent not to file .

In complex examinations one additional 180 days .

The enforcement never did on site inspection nor did they ever notice a cease and desist nor did they request a third party valuation of the assets statedas n bdc rule 34 ,40 act.

The essential elements of the claims were attacked and ignored by the mc cole . When the sec owns earlier investigation by mike banyans concerning my sub sea cable project stated to be abandoned is false when in fact new contracts were signed and witnessed by fiscina and others concerning geodex brazil and other suppliers witnessed by third parties and submitted to the sec. in 2007 .

In addition to the 2010 letter from the commission own mr . donaty stating that sec. had no more questions as to the qs and ks and as that were restated with help from Mr. Rupert sec s own.

In addition to the letters of 2007 to shiela stout explaining the errors made by fiscina and chaplic signed by them as well as the questions submitted in 2007 and responded to concerning internal controls and other when in 2007 they were all responded to and submitted and the gust staed at wells that he didn't receive them (seems kike a pattern) so I sent them again . 2 years discovery has past as well as the commissions own rules as in bdc rules concerning valuation and cease and desist . Under act 304 the persons responsible mr fiscina was settled with 6 months before I was noticed of a suit that he and I were named in but yet he settled with out my knowledge and Larry O'Donnell was slapped on the rist even though he had previous sanctions. As well as fred birks whom raised the money and sold the shares . Imperato was singled out with prejudice period clear as day .for other motives that hopefully will come out in the long run of why this suit was filed against me and who in the securities exchange commissions investigative board authorized after a comparative cost analysis the use of the commissions and public money to file such a bogus claims after the statues of limitations using exfacto laws is a disgrace to the federal system and setting of a bad president and loss of confidence in the commission not to file frivolous suits of passion

The commission and the public were well informed of the financial and corporate decisions and operations which were filed by the responsible person whom was the person who had consistently filed with Edgar qs and ks . Mr charlse fiscina cpa (with previous experience in public finigs)with john chaplicc cps wharton grad. and dan mangru. Lics. Sec..

These persons worked with the companies consul green burg traug not in any way shape or form with Daniel Imperato who was not even part of the initial filings since late 2006 when he was asked by fiacina to setp off the board as well as had no dealings with fiscina or no knowledge of ficsnia filings with the sec. on Edgar which was full and fair public disclosure as well as full and fair notice to the sec. and the public meeting the 2 year discovery rule stated above.

The claims made against Imperato were false ,past the statutes and exfacto laws were used as in dodd -frank which is not allowed as matter of law.

Mr Imperato s constitution rights were violated and he is entitled to recover damages both as in the cfr as well as in a separate court case against mc cole and potentially others for fraud upon the court not only as in perjury in the only hearing which was held by ryskamp whom never even reviewed the case when mc cole blatantly purged himself and misrepresented the court stating that there was no settlement agreement when in fact there was and he signed it.(See july 21 014 rsvp)

In addition judge ryskmap error(based on mc coles perjury) when he stated that Imperato did not comply with the financial information required by mc coles is anther error based on mc coles continued perjury when in fsct he received my tax returns at the settlement conference and a copy if my financial by TINA JUSTICE pre paid ups envelope .

In addition mcole in concert with a non consented magistrate entered a partial final order of summary judgment which should never had been entered and is repugnant to the united states constitution and viod as well as the exorbitant tier 3 penalties that were applied with fraud upon the court when mc cole knowingly see and had access to my personal taxes as well as willfully singled me out in a judgment of passion and prejudice which was at the behest of the regional office in Texas as he stated at the settlement conference he was just told to litigate against me and never even read the file.

Mr gunst told me in 2009 when mr Edmondson received my letter that the sec., needed money period and that they new I was a visionary and was not a crook of any sort and realized that I turned over the company to eric skies

of kiasar himmel because I could not run it in oct of 2007.

I had no majority interest nor was I on the board of directors as of the management take over and the control take over by kiasar himmel.

Up until 2010 I worked with mr Rupert to clean up mess remove bdc status and role up the subsidiaries with n 54 filings.

The Dallas Texas sec. regional enforcement claims states my assets were not real which is complete and full of false and bogus statements when in fact the search engine rankings and press distribution proof genuine material factual evidence of disputed claims which were ignored when mccole refused to abide by the court ordered schedule hearings and meet and then settled and then sad he did not settle when the court and the judge closed the case and cleared the query of all pending discovery which was never completed.

Imperato never has the chance to put mc cole on the stand (grand jury will)as well as fiscina ,chaplic , mangru and others which will prove .

I challenged the admin. Hearings judge to ordered subpoenas for theses persons to be questioned and I was also denied by the admin. The same as the federal court whom violated my constitutional rights by denying me my jury trial of peers ordered and docket by ryskamp and directly willful and intentionally conspired with others as in totalitarian government agents conspiring together against a citizen rights and due process of laws

hurtado v California.

The mc cole false filings and unsubstantial claims with no cross examine is a clear violation with out evidentiary hearings that as matter of jstcie and law make the very judgments void by the supreme court standards and by the oaths of office to protect the constitutional rights of a citizen not to denaturalize him.

Abuse of discretion by the judge and abuse of power by mcole has lead up to this grave mistake and crime that has ruined my good name and reputation and has caused irreparable harm tp me and my family which has held me in involuntary servitude (18 usc &1584) (see redress)now since jan

12 2012 when the bogus case was filed and the press stated that I was and am a con man whom sold / brokered 60 investors 2 mm stock which is false since I have proven that these persons were clients of other covered personal whom they dealt with and circulated and signed on a private placement document exempt from registration and blues skied in accordance with the sec. own rules under Sarbanes Oxley 2002.

Article sec.

The persons involved should be indicted by a grand jury for failure to adhere to and uphold the united states constitution and the laws of the land.

These judgment are void

Request for full court review on all cases and the filings and proceedings.

Release no. 70959/ Nov. 27th, 2013
Administrative proceeding
File no. 3 - 15628.

UNITED STATES COURT OF APPEALS FOR THE ELEVENTH
CIRCUIT
Case No.13-14809 f-f Lower court 9:12-cv-8002 United States Southern
District Court of Florida

Affidavit

My name is I prepared this document and all documents , I reside at [REDACTED]

I as best I could recollect and that I declare that to the best of my knowledge and belief, that the statements made in this document and all other documents are true ,correct and complete. I am willing to cooperate with my government in any way possible.

Document prepared by [REDACTED] sept 23 rd 014

Dr.Fr.Daniel Imperato , km,ssp,gm & ob pro se
[REDACTED]

[REDACTED]

State of Florida Palm beach county

Sworn to and subscribed before me the undersigned notary public ,this 23rd
day of Sept. 2014

My commission expires July 12, 2017

_____ personally known & produces identification type

produced FL Drivers License

Janet L. Avolio
Notary public



Index Part I

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Follow

Federal Rules of Civil Procedure > TITLE VII.
JUDGMENT > Rule 60.

Relief from a *judgment* or Order

TOOLBOX

• [Wex: Civil Procedure: Overview](#)

RULE 60. RELIEF FROM A JUDGMENT OR ORDER

(a) **CORRECTIONS BASED ON CLERICAL MISTAKES, OVERSIGHTS AND OMISSIONS.** The court may correct a clerical mistake or a mistake arising from oversight or omission whenever one is found in a judgment, order, or other part of the record. The court may do so on motion or on its own, with or without notice. But after an appeal has been docketed in the appellate court and while it is pending, such a mistake may be corrected only with the appellate court's leave.

(b) **GROUND(S) FOR RELIEF FROM A FINAL JUDGMENT, ORDER, OR PROCEEDING.** On motion and just terms, the court may relieve a party or its legal representative from a final judgment, order, or proceeding for the following reasons:

- (1) mistake, inadvertence, surprise, or excusable neglect;
- (2) newly discovered evidence that, with reasonable diligence, could not have been discovered in time to move for a new trial under [Rule 59\(b\)](#);
- (3) fraud (whether previously called intrinsic or extrinsic), misrepresentation, or misconduct by an opposing party;
- (4) the judgment is void;
- (5) the judgment has been satisfied, released, or discharged; it is based on an earlier judgment that has been reversed or vacated; or applying it prospectively is no longer equitable; or
- (6) any other reason that justifies relief.

(c) **TIMING AND EFFECT OF THE MOTION.**

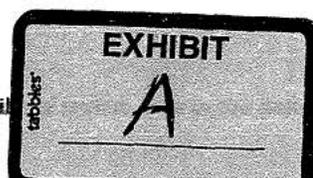
(1) **Timing.** A motion under [Rule 60\(b\)](#) must be made within a reasonable time—and for reasons (1), (2), and (3) no more than a year after the entry of the judgment or order or the date of the proceeding.

(2) **Effect on Finality.** The motion does not affect the judgment's finality or suspend its operation.

(d) **OTHER POWERS TO GRANT RELIEF.** This rule does not limit a court's power to:

- (1) entertain an independent action to relieve a party from a judgment, order, or proceeding;
- (2) grant relief under [28 U.S.C. §1655](#) to a defendant who was not personally notified of the action; or
- (3) set aside a judgment for fraud on the court.

(e) **BILLS AND WRITS ABOLISHED.** The following are abolished: bills of



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UNITED STATES OF AMERICA
Before the
SECURITIES AND EXCHANGE COMMISSION

SECURITIES EXCHANGE ACT OF 1934
Release No. 70959 / November 27, 2013

ADMINISTRATIVE PROCEEDING
File No. 3-15628

In the Matter of

DANIEL IMPERATO,

Respondent.

ORDER INSTITUTING ADMINISTRATIVE
PROCEEDINGS PURSUANT TO SECTION
15(b) OF THE SECURITIES EXCHANGE
ACT OF 1934 AND NOTICE OF HEARING

I.

The Securities and Exchange Commission ("Commission") deems it appropriate and in the public interest that public administrative proceedings be, and hereby are, instituted pursuant to Section 15(b) of the Securities Exchange Act of 1934 ("Exchange Act"), against Daniel Imperato ("Respondent" or "Imperato").

II.

After an investigation, the Division of Enforcement alleges that:

A. RESPONDENT

1. From at least December 2005 through at least 2008, Imperato controlled a Florida corporation called Imperiali, Inc. During this period, Imperiali sold stock to approximately 60 investors, raising approximately \$2.5 million. Imperato, who is a 55-year-old resident of West Palm Beach, Florida, was a broker in the securities transactions between Imperiali and investors.

B. ENTRY OF THE INJUNCTION

1. On November 8, 2013, a final judgment was entered against Imperato, permanently enjoining him from future violations of Sections 5 and 17 of the Securities Act of 1933 ("Securities Act"), Sections 10(b), 13(a), 13(b)(2)(A), 13(b)(2)(B), 13(b)(5), and 15(a) of the Exchange Act, and Rules 10b-5, 12b-20, 13a-1, 13a-11, 13a-13, 13b2-1, 13b2-2, and 13a-14, thereunder, and Section 34(b) of the Investment Company Act of 1940, in the civil action entitled

EXHIBIT

B

2

Securities and Exchange Commission v. Imperiali, Inc., et al., Civil Action Number 9:12-cv-80021-KLR, in the United States District Court for the Southern District of Florida.

2. The Commission's complaint alleged that, from at least 2005 through 2008, Imperato used Imperiali to carry out a securities-fraud scheme. In documents distributed to investors and in reports filed with the Commission, Imperato portrayed Imperiali as a thriving corporation that owned several valuable subsidiaries. In reality, Imperiali was just a shell corporation, and its subsidiaries were worthless or non-existent. During the scheme, Imperiali sold stock to approximately 60 investors, raising approximately \$2.5 million. Imperato used the offering proceeds for purposes other than those promised, including to pay his travel expenses during his 2008 Presidential campaign. In the offering, Imperato was a broker in the transactions between Imperiali and investors, but he was neither registered with the Commission as a broker or dealer nor associated with an entity registered with the Commission as a broker or dealer.

III.

In view of the allegations made by the Division of Enforcement, the Commission deems it necessary and appropriate in the public interest that public administrative proceedings be instituted to determine:

A. Whether the allegations set forth in Section II hereof are true and, in connection therewith, to afford Respondent an opportunity to establish any defenses to such allegations; and

B. What, if any, remedial action is appropriate in the public interest against Respondent pursuant to Section 15(b) of the Exchange Act.

IV.

IT IS ORDERED that a public hearing for the purpose of taking evidence on the questions set forth in Section III hereof shall be convened at a time and place to be fixed, and before an Administrative Law Judge to be designated by further order as provided by Rule 110 of the Commission's Rules of Practice, 17 C.F.R. § 201.110.

IT IS FURTHER ORDERED that Respondent shall file an Answer to the allegations contained in this Order within twenty (20) days after service of this Order, as provided by Rule 220 of the Commission's Rules of Practice, 17 C.F.R. § 201.220.

If Respondent fails to file the directed answer, or fails to appear at a hearing after being duly notified, the Respondent may be deemed in default and the proceedings may be determined against him upon consideration of this Order, the allegations of which may be deemed to be true as provided by Rules 155(a), 220(f), 221(f) and 310 of the Commission's Rules of Practice, 17 C.F.R. §§ 201.155(a), 201.220(f), 201.221(f) and 201.310.

This Order shall be served forthwith upon Respondent personally or by certified mail.

IT IS FURTHER ORDERED that the Administrative Law Judge shall issue an initial



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SEC accuses ex-enforcement chief of Fort Worth office of hindering R. Allen Stanford investigation

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By ERIC TORBENSON and DAVE MICHAELS / The

Dallas Morning News

Published: 25 April 2010 02:49 AM

Updated: 26 November 2010 02:54 PM

Is Spencer Barasch the man who single-handedly let alleged Ponzi schemer R. Allen Stanford off the hook three times, costing investors more than \$7 billion?

Or is he an honest Dallas defense attorney unfairly blamed for the failings of a government regulator?

The Securities and Exchange Commission's inspector general has a 151-page report that says he was the former. It skewers Barasch, former head of the SEC's enforcement efforts at its Fort Worth office, as a poster child for an agency critics say missed one of the biggest investor scams of our generation.

The report said that over a seven-year period Barasch rebuffed repeated pleas from agency staff to investigate Stanford's offshore bank and his oversized investment claims. An SEC inquiry likely would have stopped the alleged Ponzi scheme as early as 1998, the inspector general said.

Barasch's supporters at the SEC and now in his world of white-collar private practice say he's being scapegoated.

"He didn't do anything illegal - I guess the worst you could say about him was that he had used poor judgment," said Mary Lou Felsman, a retired SEC attorney who worked with Barasch in Fort Worth.

The 52-year-old partner at the Dallas office of Andrews Kurth LLP isn't talking. His firm issued a supportive statement after last Friday's detailed report, saying Barasch had served the SEC with "honor, integrity and distinction."

But his actions raise questions about the culture of the SEC's Fort Worth office, charged with regulating securities trading in Texas and three other states.

The office was tarnished previously when one of its top trial attorneys, Philip Offill, was convicted of masterminding penny stock fraud after he left the commission. Offill, a former pal of Barasch's, was sentenced to eight years in federal prison Friday.

Outrageous claims

Federal officials contend that Stanford orchestrated a Ponzi scheme by advising clients to invest more than \$7 billion in certificates of deposit from the Stanford International Bank on the Caribbean island of Antigua.

Stanford's lure, according to authorities, was a promise of outlandish returns - more than 10 percent a year. In 2002, when worldwide markets fell 25 percent, Stanford said his portfolio returned better than 12 percent, which SEC lawyers thought to be fraud.

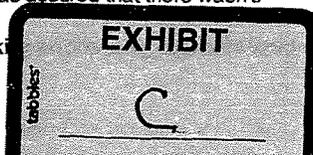
In 1998, Barasch's first year as enforcement chief, an SEC examiner recommended pursuing evidence that Stanford was promising investors unlikely rates of return, the inspector general's report said. Barasch declined.

Felsman said she was stunned by the decision. For an enforcement chief to turn down an examiner's recommendation was unprecedented, she and two other former SEC lawyers said.

"They almost always said yes," said Felsman.

According to the inspector general, Barasch told an SEC attorney in 2009 that he discounted the 1998 request after he called Stanford's Dallas attorney, Wayne Secore, asked if there was a case and was assured that there wasn't.

Barasch told investigators he didn't recall saying that and said that Secore, a former SEC attorney, didn't respond to calls. face value would be "absurd."



The report also said Barasch dismissed investor complaints about Stanford in 2002 and 2003 and quelled two other staff efforts to investigate Stanford - one in 2002 and one immediately before he left the SEC in April 2005.

In 2005, the report said, an SEC staff attorney presented the agency's latest findings at a regional meeting of securities law enforcers attended by Barasch. The audit showed growing concern that the alleged Ponzi scheme was growing and putting billions of dollars at risk.

During the presentation, Barasch was said to look "annoyed." Afterward, he reportedly told the attorney he had "no interest" in bringing action against Stanford.

"I thought I'd turned in a good piece of work and was talking about it to significant players in the regulatory community," Victoria Prescott, the attorney, said in the report. "And I no sooner sit down, shut up and the meeting ended, but then I got pulled aside and was told this has already been looked at and we're not going to do it."

In April 2005, Barasch announced he was leaving the SEC for Andrews Kurth. After he left, examination lawyers resubmitted the case to enforcement staff and pleaded with them to go after Stanford.

A formal investigation was started in 2006, but agency red tape and internal squabbling prevented the SEC from actually filing a civil lawsuit against Stanford until February 2009.

Among the reasons given by Barasch and others for why Stanford wasn't looked at:

- Stanford initially had few U.S. investors.
- Getting subpoena power to access Stanford's offshore bank's financial documents was considered difficult.
- The case initially didn't have victims complaining about losses because Stanford was still taking in enough money to pay returns.

It also was perceived to be a difficult case to make work. The report blames a short-sighted mentality at the Fort Worth office, citing lawyers there who said a quest for "stats" on convictions made officials gun-shy on tougher cases. That approach, the report said, came from Barasch and now-retired director Harold Degenhardt, who didn't return calls for comment.

Personality clashes

Barasch's management style and ego clashed with some coworkers and drove some out of the SEC, say former coworkers.

"Spence was a really bright guy, but I didn't trust him because he lied a lot," said Hugh Wright, whom Barasch replaced as head of enforcement in Fort Worth. Wright, who is now retired, headed up the regulatory side of the SEC office after Barasch took his job. "He told you what you wanted to hear."

Others who worked with Barasch at the SEC said making enemies came with the territory.

"Animosity toward Spence was more a function of what his job was at the SEC instead of who he is," said Jeffrey Ansley, a partner at Bracewell & Giuliani LLP in Dallas. Barasch hired Ansley to work at the SEC's Fort Worth office, where he stayed for three years before moving to the Department of Justice around 2003.

"When you look at how many people Spence supervised, the odds statistically say there are going to be people who are going to take issue with him," Ansley said.

More recent coworkers laud Barasch's professionalism, though they recognize that he's not always easy to work with.

"He doesn't pull punches with the attorneys who work for him, but his criticism was always constructive and professional," said Kara Altenbaumer-Price, who worked with him at Andrews Kurth for more than two years. "It was the sort of constructive criticism that makes young lawyers better."

Alan Buie, an assistant U.S. attorney who worked under Barasch at the SEC, said Barasch was a sharp and dedicated enforcement chief who "was truly passionate about protecting investors and serving the public."

"We took on plenty of big cases, and anybody who thinks we didn't just really isn't looking at the whole picture," said Buie, who left the SEC in October 2005. Buie and other current SEC attorneys cited complex trading cases against Houston-based Dynegy Inc. and Royal

Dutch Shell Group as examples.

Finding new work

Barasch's choices after leaving the SEC also rattled regulators.

Just two months after leaving the agency, he asked its ethics branch for permission to represent Stanford, which was denied. Agency officials believed that Barasch's involvement with the Stanford deliberations while at the SEC permanently barred him from doing work for Stanford.

Despite that, Barasch did do a small amount of work for Stanford in October 2006, in apparent violation of rules. The SEC has referred the matter to the State Bar of Texas.

Stanford personally wanted Barasch for his legal team in 2006, instructing his advisers to find him and bring him on board. Informed about the SEC's ethics decision, Stanford wrote in an e-mail: "This is bs and I want to know why the SEC would/could conflict him out."

Barasch currently supervises three attorneys at Andrews Kurth in a growing securities law practice. Partner pay at Andrews Kurth ranges wildly, attorneys familiar with the firm say. The most successful can see \$2 million in annual pay, though none could say how much Barasch earns.

Barasch's efforts to represent Stanford reflect the constant pressure to find new revenue as a new partner at a firm, said Michael Hurst, a Dallas attorney who has hired Barasch as an expert on cases. "Stanford is a rainmaker for not just white-collar attorneys but the entire civil practice," he said.

Barasch's e-mail to the SEC seeking permission to represent Stanford echoes that: "Every lawyer in Texas and beyond is going to get rich over this case. Okay? And I hated being on the sidelines."

Barasch also showed interest in representing another well-known investor, Mark Cuban, in the SEC's suit against the Dallas billionaire.

On Nov. 17, 2008, regulators charged the Dallas Mavericks owner with insider trading. Cuban immediately announced that he'd hired Paul Coggins, a well-known lawyer and former U.S. attorney.

In an e-mail to a person he thought could persuade Cuban to hire him, Barasch wrote that Coggins was a "blow hard [who] doesn't know anything about securities, and has no name appeal or clout with the SEC."

Barasch also suggested he could influence the SEC attorneys involved with the complaint against Cuban.

"I am friends with and helped promote two of the guys who signed the Complaint against Mark," Barasch wrote, according to a copy of the e-mail obtained by The Dallas Morning News. "Someone should tell Mark to look at my profile on my firm website, my SEC press releases, and advise Mark to add me to his defense team."

The SEC's case was dismissed by a federal judge in July 2009. Coggins declined to comment on Barasch's e-mail.

Andrews Kurth reiterated its support for Barasch this week, saying he "will remain a valued member of the Andrews Kurth team where he provides our clients with the highest possible quality of advice and counsel."

Meanwhile, Stanford is in jail in Houston, awaiting trial on criminal charges filed by the Department of Justice in June.

Barasch is not part of his legal team.

etorbenson@dallasnews.com

dmichaels@dallasnews.com

Did you see something wrong in this story, or something missing? Let us know.

You Might Also Like



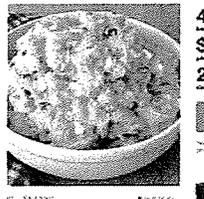
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(Wall Street Cheat Sheet)



Why you no longer need a human financial advisor
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The market's mixed messages
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Write a comment

0 Comments

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United States of America
before the
Securities Exchange Commission
100 f St. Ne Washington D.C. 20549 -1019

Release no. 628 / July 7th ,2014
Administrative proceeding
File no. 3 - 15628.

Aug. 8, 014
Sent us .mail

In the matter of Daniel Imperato
Respondent.

Petition for continuance rsvp 6/ 18/ 014 supplemented response as
matter of law

These unconstitutional administrative proceedings must be vacated or
continued as a matter of law. See (Hurtado v California)

The evidence used against me and these proceedings(in appeal unlawfully
gained judgments) that were after the fact and subject to prior
denaturalization are hereby deemed unconstitutional and at least must be
contained in accordance with the laws and any denial of the continuance
until such time that the appellate court sets down their ruling and
adjudicates the appeal this initial decision is unconstitutional and unlawful.

See cat ca 7

Denial of a continuance on the basis of a non reason is an abuse of
discretion

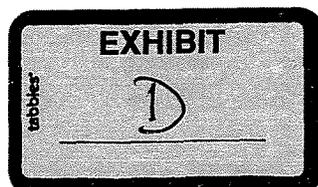
See yang v holder court of appeals 7th circuit

See Scott w Taylor v Hughes

see 18 usc 923 (f) (3)

The courts /admin proc. are obligated to hold evidentiary hearings or even
consider evidence in addition to that presented during the administrative
proceedings .

See Shawano gun & loan llc 650 f 3 d 1076 quoting (stein s inc v
Blumenthal 849 f 2 d 463 (7th cir. 1980)



I did not willfully violate any laws no received ill begotten gains

The supreme court observation in the factually and legal distinct context presented in yang has any relevance to the issues before the court . Against those issues are straight forward ,and require that we conduct a de novo review of the commissions revocation initial decision ,in order to determine weather the petition / Imperato willfully violated one or more provisions of the commissions regulations .we are not charged with examining the internal operating procedures of this undertaking. Rule 56 (d)In violation of admin. Proc. Act 5 usc &706 (2) (a) 519us at 32

Any denial of continuance is a violation of 1255(I)

See Suban v Ashcroft

Dr. Fr. Daniel Imperato , km,ssp,qm &ob pro se



WEST PALM BEACH DOWNTOWN STA
WEST PALM BEACH, Florida
334019998
1169180101 -0095
08/07/2014 (561)833-0929 01:42:14 PM

Product Description	Sales Receipt		Final Price
	Sale Qty	Unit Price	
WASHINGTON DC 20549 Zone-5 First-Class Mail Letter 1.40 oz. Expected Delivery: Mon 08/11/14			\$0.70
Issue Postage:			===== \$0.70
Total:			===== \$0.70

Paid by:
Debit Card \$0.70
Account #: [REDACTED]
Approval #: 014213
Transaction #: 659
23 902941400
Receipt#: 006118

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United States of America
before the
Securities Exchange Commission
100 f St. Ne Washington D.C. 20549 -1019

Release no. 70959/ Nov. 27th ,2013
Administrative proceeding
File no. 3 - 15628.

Feb. 14 th 2014

In the matter of Daniel Imperato
Respondent.

Full court review.

Respondents summary disposition (due date Feb. 19th 014)with (exhibit's A attached 1-74 ,AB 1-87 ,requests of the 5 member commission only) and response to order of threaten default (received signed copy on Feb. 7th 2014 mailed Jan 31st 2014. Dinning me my rights to respond within time limits because of us mail)for emails asked by the law clerks and the commission concerning us mail contempt not respondents fault .

See exhibits , dockets and case laws and matter of law attached and in the dockets of the court that is genuine material factual evidence of disputed facts and no summary judgment should have Been entered(not entitled to any judgments with out jury trail) arbitrarily when a settlement agreement was agreed too and then arbitrarily vacated still awaiting 5 member responses.

Reserving right for opposition response (due march 7th 014)and oral arguments in front of the public eye of an alike kind of trail by jury .

Once again Imperato response arrived on fed. 22nd in Washington and due to weather the post office was in contempt for not delivering the package due to bad weather until fed. 27th 6 am at your office of which your order was on the Feb. 28th not the 27th . So you received the package before your order as well as IMPERATO still has never received the signed order showing cause to date yet.

1. Please clarify rule 15 (b) because this charge does not appear to be included in the (original case alleged claims), is this a new false charge.



United States of America
Securities Exchange Commission
100 f St. NE Washington D.C. 20549 -1019

Civil case # 9;12-cv-80021
Dec. 20th 013

Sent us mail

In the matter of Daniel Imperato
Defendant

70131710 0000 60529190

Urgent

Dear Mary Jo White Chair,

Defendant urgently second request (from nov. 30th 2013)requires the following information to be received by respondent in order to prepare his appeal briefs.

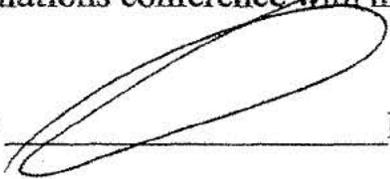
In light of said facts presented in the court the following discovery was not provided amongst all discovery not completed and ignored by the commission.

The defendant requires copies of the following urgently;

1. The commission five member boards minutes and meetings of the authorization to approve the settlement agreement with one defendant Charles Fiscina settled and consented to on Sept 20th 2011.

Please provide the minutes and approval of the said consent agreement .

2. The commission five member board minutes that in fact declined the settlement and consent agreement entered into on oct 11th 2012 with IMPERATO at the mediations conference with magistrate judge Palermo.

Document prepared by  Dec/ 20 th /2013

Dr. Fr. Daniel Imperato , km,ssp,gm &ob pro se



Exhibits.

United States of America
before the
Securities Exchange Commission
100 f St. Ne Washington D.C. 20549 -1019

Release no. 70959/ Nov. 27th ,2013
Administrative proceeding
File no. 3 - 15628.

[REDACTED]

[REDACTED]

[REDACTED]

Motion for subpoenas and discovery

Rule 232. Subpoenas, Rule 233. Depositions Upon Oral Examination

Honorable Judge Elliot , please find a requested to subpoena the documents requested in accordance with the rules of procedures .

These documents are required in order for the respondent to be able to complete his cross summary reversal disposition as well as required for his cross brief for the appellate court.

Your honor please these requested subpoena for the individuals and company records will clear my name and prove that the alleged claims against me are false.

27 pages + exhibits 11 pages

United States of America
before the
Securities Exchange Commission
100 f St. Ne Washington D.C. 20549 -1019

Release no. 70959/ Nov. 27th ,2013
Administrative proceeding
File no. 3 - 15628.

Jan 20th 2014

In the matter of Daniel Imperato
Respondent.

Dear Elizabeth M. Murphy Secretary

Respondent response and excepts the opportunity that will clear his name. He denies all allegations (DE167) made against him as well as request s and vacates the judgments ordered, Merited by the united states securities exchange commission conspired with the southern district court of Florida in violations of Imperato s constitutional rights, judiciary acts and procedural rules of the court. (DE 129) (DE 150) As a matter of law of the land the judgments shall be repugnant and the aggrieved party shall be awarded damages and a reversal summary disposition . Exhibits attached and in dockets of both lower court# 912-cv-80021-klr and appellate court.# 13-14809-ff and sent to the 5 member comssiononiers.

Intentional misstatements or omissions of fact may constitute criminal violations of 18 U.S.C. 1001, et seq. and other provisions of law. Rule 180. Sanctions(see transcript hearing nov.6th 2013 after the fact) (17subpart (b),17 cfr201.31 (usc 504) ,17cfr 201.32) as well as civil rights ,due process of law and jury trail repugnant to the us constitution.

Allegations and violations denied (see responses to complaints (de 20-25 and de 167 GENERAL DENIAL OF CLAIMS))by respondent are as follows in accordance with the original order served IMPERATO on dec. 18th 2013 with a response date due and post marked on or before Jan 22nd 2014. In accordance with the order to be served to :

Elizabeth M Murphy ,Honorable Brenda P Murray ,Mr. Timothy S. Mc Cole Esq.

summary

Rule 202, respondent objects to these proceedings that pertain to (15 b)which should be stricken leaving the other parts of the order in effect, based on the fact that the respondent has not been involved with a municipal bond offering , the 15 (b) does not appear in the original complaint or the final ill begotten

UNITED STATES OF AMERICA
Before the
SECURITIES AND EXCHANGE COMMISSION
WASHINGTON, D.C. 20549
ADMINISTRATIVE PROCEEDING
File No. 3-15628

In the Matter of
DANIEL IMPERATO,

MOTION OPPOSITION due march 7th 014

In accordance with the Order entered in this matter on January 10, 2014, that IMPERATO submits this opposition to any Summary Disposition and dismissal would respectfully show as follows: (see exhibits op 1-78), (exhibits p 17-36/case laws ,rules (de 179)

Opposition

THE ENFORCEMENT HAS FAILED TO MAKE ANY CASE OUT OF THIS PROCEEDINGS AND IT SHOULD BE VACATED . NO BARR SHOULD BE APPLIED BASED ON NO EVIDENCE OF IMPERATO ACTING AS A BROKER DEALER BUYING AND SELLING IMPERIALI STOCKS.(NO PUBLIC MARKET, SUB DOCS WITH PRIVATE PLACEMENT,(PREPARED AND PAID LAURA ANTHONY ESQ.) AND SOLD BY OTHER COVERED PERSONS NOT IMPERATO.) PURSUANT TO THE FIRST ORDER OF PROCEEDINGS ITS STATED THAT IMPERATO WOULD HAVE A CHANCE TO DEFEND THE ALLEGED CLAIMS AGAINST HIM CONCERNING THE ENTIRE FEDERAL CASE SINCE THE LOWER COURT MAGISTRATE ERRED BASED ON NON CONSENT AND ARBITRARY RECOMMENDATIONS AND ORDERS SIGNED BY Ryskamp without evidentiary hearings and no trial by jury of peers which is repugnant to the united states constitution and void as a matter of law and procedure setting bad precedence for the entire judicial federal system

Sec . v IMPERATO (ap 13-14809ff)

RSVP RELEASE 1270 dismissal order demanded by respondent based on the merits.

See NLRB v. Sears, Roebuck & Co., 421 U.S. 132, 150-52 (1975); Fannie Mae Sec. Litig., Civ. Action No. 04-01639 (D.D.C.), Exchange Act Release No. 60772 (Oct. 2, 2009), 96 SEC Docket 21176, 21180, 21183-84; David J. Checkosky, 50 S.E.C. 1180, 1183-84 (1992), remanded on other grounds, 23 F.3d 452 (D.C. Cir. 1994).

THE (OIP) IS CORRECT IN SO FAR AS THEY HAVE NO JURISDICTION CONCERNING THE MATTER OF IMPERIALI INC STATED IN THE FILE NO 3-15628, BECAUSE THERE IS AN APPEAL IN PROCESS.

THANK YOU FOR YOUR CLARIFICATION CONCERNING YOUR JURISDICTION ONLY BEING THE CONCERN OF 15 (B) OF WHICH NO EVIDENCE HAS BEEN PRESENTED BY THE COMMISSION CONCERNING ANY VIOLATION OF 15 (B) CONCERNING IMPERIALI INC THAT THIS

Affidavit

My name is John Kolbenschlager, I prepare this document, I reside at [redacted] L.

As best as I could recollect and that I declare that to the best of my knowledge and belief, that the statements made in this document are true, correct and complete.

In 2006 I was engaged by Daniel Imperato to build and maintain a web crawler with search capability called "ilsearch". The search engine was built and had the following characteristics:

- The web crawler crawled web pages at speeds of 14-18 documents per second.
- The web index was available via a web browser and returned result sets in the sub-second range.
- The total size of the search index was 80-100 million documents.
- The web interface was publicly available at the URL "ilsearch.com".

The technology was sold to another party in 2007.

In 2009 I was again engaged by Daniel Imperato to rebuild the search engine and did so. It had the same characteristics as the search engine described above. It was publicly available at "isidorus.com".

[Handwritten Signature] 11/4/2013
name

-----Witness.

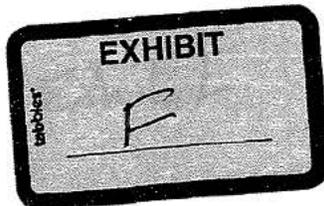
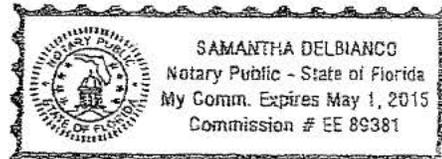
State of Florida
Palm beach county

Sworn to and subscribed before me the undersigned notary public, this 04 day of Nov. 2013

My commission expires 5/1/15

personally known produces identification type produced FLDL

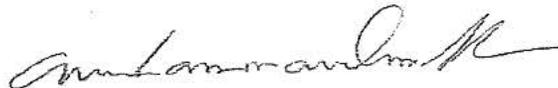
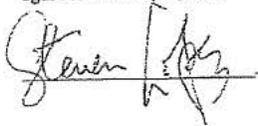
Samantha Delbianco
Notary public



AFFIDAVIT ON BEHALF OF DR. DANIEL IMPERIALI BY STEVEN W LOPEZ

I Steven w lopez, [REDACTED] served as board member of Imperiali inc. from approximately 3/06 -12 /08. I visited the office at west palm beach , at least once. I provided advise, primarily from a commercial banking viewpoint. I also interphased with Dr. imperiali, when he visited new York, or was passing thru New York. I have no knowledge of him selling securities or soliciting the sale same.. In my dealings with him, I found him to be a man of integrity. The daily operations of the company as far as I know, was left to the professional hires.

Sgd. Steven w lopez, date



12-13-2013

MUHAMMAD M KHAN
Notary Public State of New York
No. 01614884039
Qualified in Nassau County
Commission Expires June 30, 2014

Exhibit

December 16, 2013

I, Richard Biggs, board director of Imperiali, have been involved with Imperiali since 2007. I have witnessed Mr. Imperato's hard work and travels building a business in search of technologies, telecom and public relations. I stepped in to help recover the Company from the Kaiser Himmell (Mr. Skys company) and FBI disaster that Mr. Imperato was a victim of when selling the company in late 2007 and regaining it in late 2009. I worked with Larry O'Donnell and James Clark, CPA's and auditors as well as MKS, the Company's new auditors. We believe Mr. Skys stole the assets of the Company and determined we could not justify keeping the assets on the balance sheet based on Larry O'Donnell's suggestion. Mr. Imperato gave his approval. Mr. Eric Skys was convicted late in 2009 and we all worked diligently as a team to try to put the Company back in good standing. Mr. Imperato is an honorable man and has had only the shareholders interest at heart or he would never had taken back a company that was destroyed. Being a shareholder as well, I was greatly impressed with Mr. Imperato, as well as others concerning his continual efforts to try to save the Company and he did until such time the SEC filed suit and the company was ruined.

Mr. Imperato did not to my knowledge sell shares of Imperiali. The Company had Dan Mangru who messed up the Company books, and Kyle Hauser, who were licensed stock brokers and raised the money on a ppm exempt from registration / the error in book keeping were financial mismanagement and human error. I saw no evidence of fraud in my opinion. Charles Fisca, CPA and John Chaplic, CPA and Wharton graduate, were the responsible parties for the errors prior to Mr. Imperato stepping back in and selling the company to Mr. Skys.

To the best of my knowledge, this is what occurred within Imperiali between 2007 & 2009.

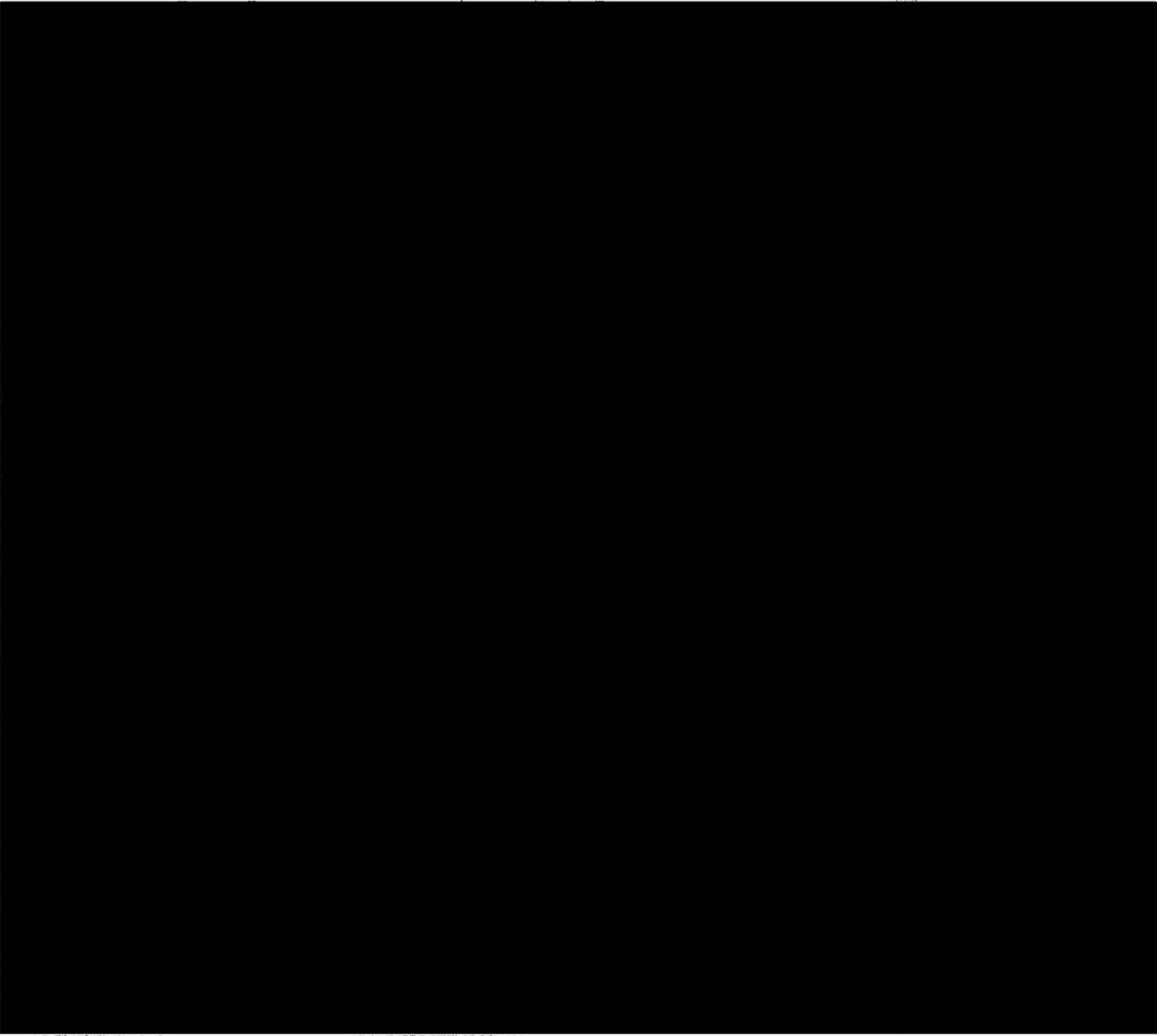


Richard E. Biggs

Exhibit

affidavit declaration of BuscaPique.com

... 35 years of age ...
... of ...



DEFENDANT'S EXHIBIT
AP 34

...
...
...

...
...
...
...

...
...
...



AD 15 - AD 68

IMPERIALI

August 1, 2007

BankAtlantic
13605 W. Sunrise Blvd
Sunrise, Fl, 33323

To Whom It May Concern:

Please close down the following accounts effective immediately.

[REDACTED]

[REDACTED]

[REDACTED]

Thank you,

John Chaplik

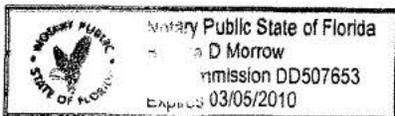
John Chaplik

Charles A. Fisdina
Charles A. Fisdina

Notarized By:

Randa D. Menew

Date: 8/1/07



[REDACTED]

MERGENT INDUSTRIAL

NEW LISTING

October 24, 2006

This Supplemental News Reports is published as required, is part of the annual MERGENT INDUSTRIAL, OTC and OTC UNLISTED MANUALS and will be included in the bound 2006 October Monthly News Reports and is published on our Website.

IMPERIALI INC

Company Website: www.imperiali.org

History: Incorporated in Florida on Sept. 27, 1994 as Automated Energy Security, Inc. Name changed to New Millennium Development Group, Inc. on Mar. 22, 1999. Name changed to Hercules Global Interests, Inc. on Aug. 24, 2004. Present name adopted on Nov. 18, 2005.

Control: As of Aug. 31, 2006, Daniel J. Imperato owned 60.363% of Co.'s outstanding common stock.

Business Activities: Imperiali is a global investment company that seeks to become a Business Development Company that will change the way that companies expand into the international markets and increase their revenues. Co. will identify companies that offer products and services that can be successfully expanded, marketed and sold in commercially viable international markets, as well as projects that have compelling global applications. Co. will then seek to assist those companies, either by investing in them, or advising them, or a combination of both, for expansion and growth into new markets around the world, through utilization of its international network of agents and affiliates.

Property: Co. maintains its principal executive office in 688 sq. ft. of leased space in West Palm Beach, FL.

Officers

Daniel J. Imperato, Chmn.
Dan Mangru, C.O.O.
Charles A. Fiscina, C.F.O.
Jonathan Gelpey, V.P., Devel.

Directors

Daniel J. Imperato
Steven Lopez
Dan Mangru

Auditors: Larry O'Donnell, CPA, P.C.

Legal Counsel: Legal & Compliance LLC

Shareholder Relations: Dan Mangru, C.O.O. Tel: 561-805-9494

No. of Stockholders: Aug. 31, 2006, 506

No. of Employees: Aug. 31, 2006, 7

Address: 777 S. Flagler Drive, Suite 800W, West Palm Beach, FL 33401 Tel: 561 805-9494 Fax: 561 515-6136 E-mail: info@imperiali.org Web: www.imperiali.org

Income Account, years ended August 31 (in \$):

	2006	2005
Gross revs	11,300	.....
Gen & admin	1,020,155	.....
Net income (loss)	dr-1,008,855	.....
Common shares:		
Weight avg com shares outstg	19,177,000	17,995,986
Yr end shares outstg	20,358,486	17,995,986
Income (loss) per com sh	dr-\$0.05	.....
Tot no of employees	7	.....
No of com stholders	506	.....
	As of August 31, 2006	
Balance Sheet, as of August 31 (in \$):		

Assets:	2006	2005
Cash	609,541	.....
Tot curr assets	609,541	.....
Tot assets	609,541	.....
Liabilities:		
Due to officer	.....	104
Tot curr liabil	.....	104
Com stk	20,358	17,996
Addit paid-in cap	11,760,605	10,144,467
Retain earnings (accum deficit)	dr-11,171,422	dr-10,162,567
Tot stkhldrs eq	609,541	dr-104

Capital: 1. Imperiali Inc common; par \$0.001.

AUTH — 500,000,000 shs.

OUTSTG — Aug. 31, 2006 20,358,486 shs; par \$0.001.

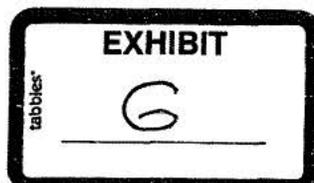
OWNERSHIP — As of Aug. 31, 2006, Daniel J. Imperato owned 60.363% of Co.'s outstanding common stock.

VOTING RIGHTS — Entitled to one vote per share.

TRANSFER AGENT — Florida Atlantic Stock Transfer Inc., Tamarac, FL

PRIVATE PLACEMENTS — (10,000,000 shares) privately placed at \$3.00 per share on Sept. 15, 2006.

LISTED — Not Listed



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12



Steven Katz

IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF FLORIDA

SECURITIES AND EXCHANGE COMMISSION,

Plaintiff,

vs.

IMPERIALI, INC., DANIEL IMPERATO, CHARLES FISCINA, and LAWRENCE A. O'DONNELL, Defendants.

Kevin Ruppert
SEC
Larry Council

Kevin Ruppert
Mike Gusk

Civil Action No.: 9:12-cv-80021 ECF

Carla

Check Books + Records

Afternoon DePascio - Amount Criminal prosecution

1/11/12
2/1/12

Aug 2007
22 ut.
UPS

1631
~~501-353-3105~~
~~501-353-3105~~

(COMPLAINT)

Plaintiff Securities and Exchange Commission ("Commission") alleges as follows against

Defendants Imperiali, Inc., Daniel Imperato, Charles Fiscina, and Lawrence A. O'Donnell:

(Summary)

FALSE CLAIMS

SEC
Greg Feinreich

Kevin
CR
Ensham
SEC
Copy
Get
S.A.
6

Check
resubmit
Mike
to
stake

1. From 2005 through 2008, Imperato used his company, Imperiali, to carry out a securities-fraud scheme targeting Imperiali investors. In documents distributed to investors and in reports filed with the Commission, Imperato, along with Fiscina and O'Donnell, portrayed Imperiali as a thriving, multinational corporation that owned multiple, valuable subsidiaries. In reality, Imperiali was just a shell corporation, having virtually no assets or operations. Its subsidiaries were worthless or, in some cases, even non-existent.

2. From at least December 2005 through at least June 2007, Imperiali sold stock to approximately 60 investors, raising approximately \$2.5 million. In the stock offering, Imperato solicited investors directly. And he hired a commissioned sales team, which solicited investors by email and telephone "cold calls."

Daniel
Daniel Imperato

Judge (Kovarski)



1588-416-6671

22

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
WEST PALM BEACH DIVISION

Case No.: 12-CV-80021-RYSKAMP/VITUNAC

SECURITIES AND EXCHANGE
COMMISSION,

Plaintiffs,

v.

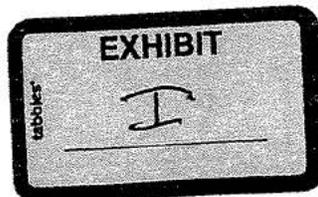
IMPERIALI, INC. et al.,

Defendants.

FINAL JUDGMENT AS TO DEFENDANT CHARLES FISCINA

THIS CAUSE comes before the Court upon the Security and Exchange Commission's unopposed motion to enter final judgment as to defendant Charles Fiscina [DE 11] filed on January 18, 2012. The Commission's claims against Fiscina involve violations of the Securities Act of 1933, the Securities Exchange Act of 1934, and the Investment Company Act of 1940. The parties apparently have reached an agreement regarding the Commission's claims, and Fiscina has consented in writing to the entry of the Commission's proposed final judgment against him. See [DE 11-1, 11-2]. Upon consent of the parties,

FINAL JUDGMENT is hereby entered against defendant Charles Fiscina ("Defendant") in accordance with the terms of Fiscina's written consent [DE 11-1] and the terms of the proposed final judgment [DE 11-2], which are hereby incorporated into this Final Judgment as set forth below.



P-29
23

14. Defendant agrees that the Commission may present the Final Judgment to Court for signature and entry without further notice.

15. Defendant agrees that this Court shall retain jurisdiction over this matter for purpose of enforcing the terms of the Final Judgment.

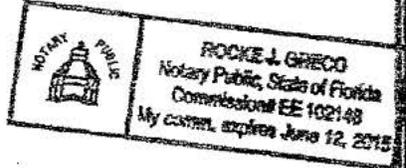
Dated: 9/20/2011

Charles Fiscina
Charles Fiscina

On 20th September 2011 Charles Fiscina a person known to me, personally appeared before me and acknowledged executing the foregoing Consent.

+ Produced FLDL as ID
+ County of Palm Beach
+ State of Florida

[Signature]
Notary Public
Commission expires: 6/12/2015



11-2-1

P:



CONSENT FOR RELEASE OF CONSUMER CREDIT REPORT TO THE UNITED STATES SECURITIES AND EXCHANGE COMMISSION

This voluntary consent authorizes the United States Securities and Exchange Commission ("SEC") to obtain copies of my consumer credit report for use by the SEC staff in determining whether to recommend a waiver of disgorgement and/or penalties in connection with a judicial or administrative proceeding. I acknowledge that no promises or representations have been made by the SEC staff or any member, officer, employee, agent or representative of the SEC as consideration for this consent.

Accordingly, I, Daniel Imperato (Name),

[Redacted address information]

hereby authorize any and all consumer credit reporting service companies to release all information concerning my credit history to the SEC staff or any member, officer, employee, agent or representative of the SEC. I understand that this authorization may be revoked by me in writing at any time before my consumer credit report is released to the SEC, and that this authorization is valid for no more than three months from the date of my signature.

[Signature]
Signature of Consentor

1/31/2012
Date

STATE OF FL
) ss.
COUNTY OF Palm Beach

On this 31 day of January, 2012, Daniel Imperato being known to me to be the person who executed the foregoing CONSENT FOR RELEASE OF CREDIT REPORT TO THE UNITED STATES SECURITIES AND EXCHANGE COMMISSION, personally appeared before me and did duly acknowledge to me that he executed the same.

[Signature]
NOTARY PUBLIC

EXHIBIT
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- 2 - 1

MARCIA DUNKLEY
Notary Public, State of Florida
Commission# DD969492
My comm. expires Mar. 14, 2014

25



UNITED STATES
SECURITIES AND EXCHANGE COMMISSION
BURNETT PLAZA, SUITE 1900
801 CHERRY STREET, UNIT #18
FORT WORTH, TEXAS 76102-6882
PHONE: (817) 978-3821 FAX: (817) 978-2700

IN REPLY
PLEASE
FAX-3

October 15, 2012

VIA UPS: 1ZA3781XA294311189

Daniel Imperato
Imperiali, Inc.
c/o Daniel Imperato, Registered Agent



Re: Return of Imperato Tax Returns
SEC v. Imperiali, Inc. et al.
Civil Action No.: 9:12-cv-80021, USDC SD Fla.

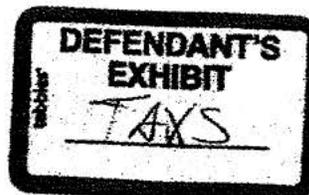
Dear Mr. Imperato:

Enclosed are your original 2006, 2007 Amended, and 2008 through 2010 Tax Returns that you provided Timothy McCole at the Court hearing on October 11, 2012.

Please contact Timothy McCole with any questions at 817.978.6453 or via email at McColeT@sec.gov.

Sincerely,

Tina Justice
Trial Paralegal



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UNITED STATES OF AMERICA
Before the
SECURITIES AND EXCHANGE COMMISSION

SECURITIES EXCHANGE ACT OF 1934

Release No. 63862 / February 7, 2011

ADMINISTRATIVE PROCEEDING

File No. 3-14240

In the Matter of

FREDERICK J. BIRKS,

Respondent.

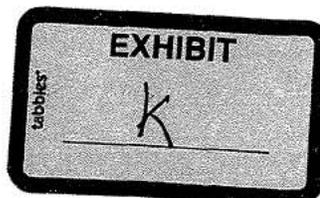
**ORDER INSTITUTING
ADMINISTRATIVE PROCEEDINGS
PURSUANT TO SECTION 15(b) OF THE
SECURITIES EXCHANGE ACT OF 1934,
MAKING FINDINGS, AND IMPOSING
REMEDIAL SANCTIONS**

I.

The Securities and Exchange Commission ("Commission") deems it appropriate and in the public interest that public administrative proceedings be, and hereby are, instituted pursuant to Section 15(b) of the Securities Exchange Act of 1934 ("Exchange Act") against Frederick J. Birks ("Birks" or "Respondent").

II.

In anticipation of the institution of these proceedings, Respondent has submitted an Offer of Settlement (the "Offer") which the Commission has determined to accept. Solely for the purpose of these proceedings and any other proceedings brought by or on behalf of the Commission, or to which the Commission is a party, and without admitting or denying the findings herein, except as to the Commission's jurisdiction over him and the subject matter of these proceedings, and the findings contained in Section III.2 below, which are admitted, Respondent consents to the entry of this Order Instituting Administrative Proceedings Pursuant to Section 15(b) of the Securities Exchange Act of 1934, Making Findings, and Imposing Remedial Sanctions ("Order"), as set forth below.



III.

On the basis of this Order and Respondent's Offer, the Commission finds that:

1. From May 2004 through May 2005, Birks was a registered representative associated with a broker-dealer registered with the Commission. Birks is a resident of New Jersey.
2. On August 18, 2010, a final judgment was entered by consent against Birks permanently enjoining him from future violations of Section 5 of the Securities Act of 1933, Section 10(b) of the Exchange Act and Rule 10b-5 promulgated thereunder, and Section 15(a) of the Exchange Act in the civil action entitled Securities and Exchange Commission v. Dean A. Esposito, et al., Civil Action Number 08-80130, in the United States District Court for the Southern District of Florida.
3. The Commission's complaint alleged that Birks participated in the manipulation of the common stock, and acted as an unregistered broker selling unregistered securities, of Weida Communications, Inc., a publicly-traded company based in Florida.

IV.

In view of the foregoing, the Commission deems it appropriate and in the public interest to impose the sanctions agreed to in Respondent Birks' Offer.

Accordingly, it is hereby ORDERED:

Pursuant to Section 15(b)(6) of the Exchange Act that Respondent Birks be, and hereby is, barred from association with any broker or dealer.

Any reapplication for association by the Respondent will be subject to the applicable laws and regulations governing the reentry process, and reentry may be conditioned upon a number of factors, including, but not limited to, the satisfaction of any or all of the following: (a) any disgorgement ordered against the Respondent, whether or not the Commission has fully or partially waived payment of such disgorgement; (b) any arbitration award related to the conduct that served as the basis for the Commission order; (c) any self-regulatory organization arbitration award to a customer, whether or not related to the conduct that served as the basis for the Commission order; and (d) any restitution order by a self-regulatory organization, whether or not related to the conduct that served as the basis for the Commission order.

By the Commission.

Elizabeth M. Murphy
Secretary

[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED] [REDACTED]
[REDACTED]

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[REDACTED]

[REDACTED]



AD 15 - AD 68

IMPERIALI

Securities and Exchange Commission
Washington, D.C. 20549
Cc: Kevin Rupert
July 12, 2007
Amended August 10, 2007

Dear Sheila Stout,

Referencing your conference calls with Imperiali, Inc, on February 15, 2007, March 13, 2007 and April 4, 2007, the following letter details your comments and our responses.

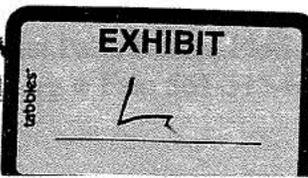
On June 8, 2007 Imperiali, Inc. filed Form 8-K, Non-Reliance on Previously Issued Financial Statements or a Related Audit Report or Completed interim Review in response to Item 4.02.

Affiliated transaction under Section 57 – On July 1, 2006 Imperiali Organization, LLC turned over two investment projects from Imperiali Organization, LLC developed on behalf of the Company – i1Search valued at \$2 million and i1Connect valued at \$1.5 million. The Company also agreed to issue 5 million preferred shares of Imperiali, Inc to Daniel J. Imperato. This transaction occurred pursuant to a written agreement between Imperiali Organization and Imperiali, Inc. This written agreement was approved by the independent members of our Board of Directors. Both the transaction and written agreement took place before Imperiali, Inc. was subject to the 1940 Act and the BDC rules.

On May 31, 2007 Imperiali Organization LLC turned over all of Imperiali Organization projects developed on behalf of the company in return for agreeing to issue 10 million shares of Imperiali, Inc. common stock which were owed to him based upon the preferred share conversion amendment filed with the State of Florida. The three to one conversion rate was disclosed in Form 10. The price per share was the same as was available to accredited investors. This purchase was pursuant to the prior written agreement that was approved by the independent Board of Directors. The valuation was based in part by an independent valuation performed by the Bank of America.

This transaction was approved by the directors of the business development company on the basis that –

1. The terms thereof, including the consideration to be paid or received, are reasonable and fair to the shareholders or partners of the business development company and do not involve overreaching of such company or its shareholders or partners on the part of any person concerned
2. The proposed transaction is consistent with the interests of the shareholder or partners of the business development company and is consistent with the policy of such company as recited in filings made by such company with the Commission under the Securities Act of





AD 15 - AD 68

IMPERIALI

1933, its registration statement and reports filed under the Securities Exchange Act of 1934, and its reports to shareholders or partners and

3. The directors or general partners record in their minutes and preserve in their records, for such periods as if such records were required to be maintained pursuant to section 31(a), a description of such transaction, their findings, the information or materials upon which their findings were based, and the basis therefor.

Lease Arrangements – Imperiali, Inc. leases office space at 777 S. Flagler Dr. West Palm Beach, Fl. Imperiali, Inc. pays the cost of this lease every month.

Global Advisory Assistance – Our Global Advisors do not receive compensation from Imperiali, Inc. If Imperiali, Inc. consummates a business deal with the assistance of a Global Advisor, the Global Advisor would typically receive compensation from the local business involved in the transaction.

Disclosure Need to be Increased in Accordance with Regulation S-X Article 6 – The disclosure section was greatly increased in the Management Discussion and Analysis and the Financial Highlights section.

Section 15 Investment Advisory and Underwriting Contracts – Imperiali, Inc. does not have any person serving as a registered investment advisory. Imperiali, Inc also does not have a person serving as a principal underwriter for the company.

Section 10A of the 1934 Act – In filing form 8-K, Imperiali, Inc. acknowledged that past financial statements contained misstatements. However, after further investigation Imperiali, inc. determined that no illegal acts occurred and has issued the appropriate report to the Board or Directors. We have reviewed our financial control reporting procedures with our outside auditor and have taken the appropriate corrective action to ensure that the risks of material misstatements are minimized.

We are sorry for any inconvenience and misunderstanding that our prior response caused. A formal 8-K filing will be coming shortly. Backup documentation has been sent separately.

Sincerely yours,

/s/ Charles A. Fiscina

Charles A. Fiscina, CFO
Imperiali, Inc.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

Case No 12-80021-CIV-RYSKAMP/HOPKINS

SECURITIES AND EXCHANGE COMMISSION,

Plaintiff,

vs.

IMPERIALI, INC., et al.,

Defendants.

FILED by _____ D.C.

JUL - 6 2012

STEVEN M. LARIMORE
CLERK U.S. DIST. CT.
S.D. OF FLA. - W.P.B.

STANDING DISCOVERY ORDER FOR
MAGISTRATE JUDGE JAMES M. HOPKINS

The following procedures are designed to help the Parties and the Court work together to timely resolve discovery disputes without undue delay and unnecessary expense.

MEET AND CONFER

Counsel must actually confer (in person or via telephone) and engage in a genuine effort to resolve their discovery disputes before filing discovery motions. In other words, there must be **an actual conversation** before a discovery motion is filed. During this conversation, **counsel shall discuss the available options for resolving the dispute without court intervention** and make a concerted, good faith effort to arrive at a mutually acceptable resolution. If counsel refuses to participate in a conversation, then the movant shall so state in the required certificate of conference and outline the efforts made to have a conversation.

The Court may impose sanctions, monetary or otherwise, if it determines discovery is

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being improperly sought, is being withheld in bad faith or if a party fails to confer in good faith. Sending an email or telefax to opposing counsel with a demand that a discovery response or position be provided on the same day will rarely, if ever, be deemed a good faith effort to confer before filing a discovery motion.

DISCOVERY MOTIONS

If parties are unable to resolve their discovery disputes without Court intervention, U.S. Magistrate Judge James M. Hopkins will hold a regular discovery motion calendar every Thursday beginning at 1:00 p.m. at the Paul G. Rogers Federal Building and Courthouse, 701 Clematis Street, Courtroom 6, West Palm Beach, FL 33401.

If a discovery dispute arises, the movant shall file a motion, **no longer than 5 pages** (not counting signature block and certificate of service) by the **close of business on the Monday immediately preceding that Thursday's discovery motion calendar call**. The purpose of the motion is merely to frame the discovery issues and succinctly explain the dispute. The moving party must attach as exhibits any materials relevant to the discovery dispute (i.e., discovery demands/responses). The motion shall include citations to cases and other authority the movant wishes the Court to consider.

By the close of business on Wednesday, the day before the discovery motion calendar call, the opposing party must file a response to the motion, **no longer than 3 pages** (not counting signature block and certificate of service), containing any cases or other authority it wishes the Court to consider, and attaching any necessary exhibits, not already attached to the movant's papers.

Upon receipt of the pleading(s), the Court will enter an endorsed order setting the matter down for a hearing on Thursday of that week, and advising the parties of the specific time they must appear. Motions will begin to be heard at 1:00 p.m. and will continue thereafter as necessary. If either party wishes to appear by telephone, they must so advise the Court in their pleading. Parties wishing to appear by telephone will be contacted at the phone number listed on the docket sheet, unless an alternate number is provided in advance of the hearing.

PRE-HEARING DISCUSSIONS

The mere fact that the Court has scheduled a discovery hearing/conference does not mean that the parties should no longer try to resolve the dispute. To the contrary, the parties are encouraged to continually pursue settlement of disputed discovery matters. If those efforts are successful, then counsel should contact Judge Hopkins' chambers as soon as practicable so that the hearing can be timely canceled. Alternatively, if the parties resolve some, but not all, of their issues before the hearing, then counsel shall also timely contact chambers and provide notice about those issues which are no longer in dispute (so that the Court and its staff do not unnecessarily work on matters which became moot).

EXPENSES, INCLUDING ATTORNEY'S FEES

The Court reminds the parties and counsel that Fed. R. Civ. Pro. 37 (a) (5) requires the Court to award expenses, including fees, unless an exception (such as the existence of a substantially justified, albeit losing, discovery position) applies to the discovery dispute and ruling.

DONE and ORDERED in Chambers at West Palm Beach, Florida, this 6th day of July,

2012.

James M. Hopkins

JAMES M. HOPKINS
UNITED STATES MAGISTRATE JUDGE

Copies to:
Counsel of Record

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO: 12-80021-CIV-RYSKAMP/HOPKINS

Securities & Exchange Commission

Plaintiff

vs.

Imperiali, Inc., et al

Defendant

NOTICE OF TRIAL

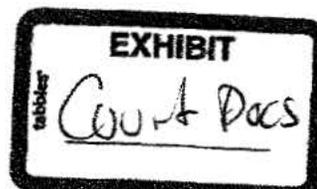
This case is set for **jury TRIAL** commencing the two-week trial period of **November 4, 2013**, in West Palm Beach, Florida. All matters relating to the scheduled trial date may be brought to the attention of the court at **CALENDAR CALL** on **October 31, 2013** in the Federal Courthouse, Courtroom No. 1, 701 Clematis Street, 4th floor, West Palm Beach, Florida at 1:15 P.M.

Plaintiff's counsel shall notify any attorneys not listed below of this notice of trial. Any motion for a continuance **MUST** be in writing in order to be considered.

DATED this 22nd day of June, 2012.

/s/ Sharon J. Hibbs
SHARON J. HIBBS, Judicial Administrator to
JUDGE RYSKAMP

c: All Counsel of Record



Pages # 1 - 76
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9:12-cv-80021-KLR Securities and Exchange Commission v. Imperiali, Inc. et al. CASE
CLOSED on 03/14/2013

U.S. District Court

Southern District of Florida

Notice of Electronic Filing

The following transaction was entered by McCole, Timothy on 5/6/2013 at 11:13 PM EDT and filed 5/6/2013

Case Name: Securities and Exchange Commission v. Imperiali, Inc. et al

Case Number: 9:12-cv-80021-KLR

Filer: Securities and Exchange Commission

WARNING: CASE CLOSED on 03/14/2013

Document Number: 105

Docket Text:

MOTION for Summary Judgment and Memorandum of Law in Support by Securities Exchange Commission. Responses due by 5/23/2013 (Attachments: # (1) Statement Facts, # (2) Appendix 001-083, # (3) Appendix 084-134, # (4) Appendix 135-208, # (5) Appendix 209-213B, # (6) Appendix 214-221, # (7) Appendix 222-244, # (8) Appendix 264, # (9) Appendix 265-271, # (10) Appendix 272-290, # (11) Appendix 291-312, # (12) Appendix 313-322, # (13) Appendix 323-342, # (14) Appendix 343, # (15) Appendix 344-351, # (16) Appendix 352-357, # (17) Appendix 358-376)(McCole, Timothy)

9:12-cv-80021-KLR Notice has been electronically mailed to:

Jennifer Brandt brandtj@sec.gov, fairchildr@sec.gov, justicet@sec.gov, stewartan@sec.gov

Timothy S. McCole McColeT@sec.gov, fairchildr@sec.gov, justicet@sec.gov, stewartan@sec.gov

9:12-cv-80021-KLR Notice has not been delivered electronically to those listed below and will be provided by other means. For further assistance, please contact our Help Desk at 1-888-318-2261

Daniel Imperato
[REDACTED]

The following document(s) are associated with this transaction:

Document description:Main Document

Original filename:n/a

Electronic document Stamp:

STAMP dcecfStamp_ID=1105629215 [Date=5/6/2013] [FileNumber=11304354-0
[6bfb22b52de9001b1650da72a3615078a9b66d98edce9f41919a9d57a9fde40b1be

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

Case No. 12-80021-Civ-Ryskamp/Hopkins

SECURITIES AND EXCHANGE COMMISSION,

Plaintiff,

vs.

IMPERIALI, INC., et al,

Defendants.

FILED by _____ D.C.

JUN 22 2012

STEVEN M. LARIMORE
CLERK U.S. DIST. CT.
S.D. OF FLA. - W.F.B.

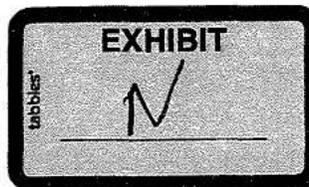
ORDER ON DEFENDANT DANIEL IMPERATO'S MOTIONS FOUND AT DEs 62, 73,
74

THIS CAUSE has come before this Court upon an Order referring all pre-trial matters to U.S. Magistrate Judge Ann E. Vitunac (DE 19), and upon Amended Case Reassignment pursuant to the Administrative Order 2012-42 (DE 35).

This case was commenced on January 9, 2012. Plaintiff alleges violations of the Securities, Securities Exchange, and Investment Company Acts. (DE 1). The District Court entered its Scheduling Order on June 15, 2012.

Since May 10, 2012, Defendant Daniel Imperato, appearing *pro se*, filed 36 Motions in this case. Most of these request dismissal of the case with prejudice. Plaintiff responded to some of the Motions. On June 15, 2012, this Court set a telephonic hearing for June 26, 2012 on 25 of Defendant's Motions. On June 18 and 19, 2012, Defendant Imperato filed 13 more Notices and

R-4-1-3



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Motions. While Defendant Imperato's filings are not easy to interpret, it appears that several of his Motions merit consideration at this point.

Motion found at DE 62

Defendant Imperato asks the Court to order Plaintiff to respond to each of his Motions separately and to rule on each one separately as well. District courts have broad discretion in managing their cases. *Chrysler Int'l Corp. v. Chenaly*, 280 F.3d 1358, 1360 (11th Cir. 2002). The courts are also supposed to facilitate "just, speedy, and inexpensive determination of every action and proceeding." Fed. R. Civ. P. 1. It will be highly inefficient to address such a high volume of filings individually, and the Court declines the invitation to do so. Therefore, Defendant's Motion found at DE 62 is **DENIED**. Defendant Imperato should note that increasing the number of filings raising the same points will not increase his chances of a favorable outcome.

Motion found at DE 73

Defendant asks the Court to continue the hearing set for June 26, 2012. However, Defendant only states that he has obligations on June 27, 2012 that would interfere with his ability to attend the hearing. Therefore, Defendant's Motion is **DENIED**. The hearing will proceed on June 26, 2012 at 2:00 p.m.

Motion found at DE 74

In this Motion, Defendant Imperato objects to the hearing being held telephonically. The Motion is **GRANTED IN PART and DENIED IN PART**. Any party wishing to appear in person

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may do so. The hearing will be held at the United States Courthouse, 701 Clematis Street, Courtroom 6, West Palm Beach, Florida, 33401. Any party wishing to appear telephonically should follow the instructions set out in the previous order.

DONE AND ORDERED in Chambers this 22nd day of June 2012, at West Palm Beach in the Southern District of Florida.

James M. Hopkins

JAMES M. HOPKINS
UNITED STATES MAGISTRATE JUDGE

cc: Counsel of Record
Pro se Defendants

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION

Case No. 12-CV-80021-RYKAMP/HOPKINS

SECURITIES AND EXCHANGE COMMISSION,

Plaintiff,

vs.

WEST PALM BEACH, FL
June 26, 2012

IMPERIALI, INC.,
& DANIEL IMPERATO,

Defendants.

TRANSCRIPT OF MOTION HEARING
BEFORE THE HONORABLE JAMES M. HOPKINS,
UNITED STATES MAGISTRATE JUDGE

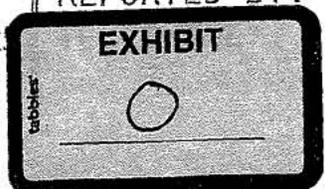
APPEARANCES:

FOR THE PLAINTIFF:

SECURITIES & EXCHANGE COMMISS:
Barnett Plaza, Suite 1900
801 Cherry Street
Unit 18
Fort Worth, Texas, 76102-6882
BY: TIMOTHY S. McCOLE, ESQ.
(By telephone)

REPORTED BY:

JERALD M. MEYERS, RPR
954-431-4757



12-4-1-5

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problems with that. I haven't signed anything yet.

MR. IMPERATO: I have your signature here, Your Honor.

THE COURT: Oh, I see.

MR. IMPERATO: Second of all, Your Honor, I never

~~meant~~ to disrespect the court or to over-burden the court.

In fact, your court order was very clear. Your court order stated on the date that they filed this complaint against me, which is bogus, they have never backed it up ever at all since 2008.

THE COURT: What part is bogus?

MR. IMPERATO: When they filed their complaint, your court order stated that they had 20 days from the last defendant's response on 90 days, if there was no response, to comply with your court order, Your Honor.

Now, I am a man of honor, and I am a man of the court and a man of justice. I am a Papal Knight appointed by Pope John Paul. I am a judge in my own court and the Codices of the ~~Sovereign~~ Order of Cor Narnia as well as --

THE COURT: Let me interrupt you for a moment.

You talk about my court order. It wasn't my court order. It was Judge Ryskamp's court order.

MR. IMPERATO: Well, that could be. I am sorry.

THE COURT: That's all right.

MR. IMPERATO: Actually, it was -- well, sorry. Okay.

THE COURT: That's quite all right. Go ahead.

1 recommendation on the rest of them, giving both sides an
2 opportunity to object to the report and recommendation, and
3 just a minute.

4 I am sorry. I had interrupted you. Go ahead, SEC.

5 MR. McCOLE: That's quite all right, Your Honor.

6 I was just going to bring up whether your report and
7 recommendation would also address subsequently filed motions,
8 ones which do not contain a memoranda of law or the affidavit
9 that you talked about and would also be duplicative of earlier
10 motions, either ones that have been filed since you have set
11 this hearing.

12 THE COURT: Yes.

13 MR. McCOLE: Okay.

14 THE COURT: If we are going to require any response
15 from the SEC, we will let you know.

16 MR. McCOLE: That was what I was getting at. Thank
17 you, Your Honor.

18 THE COURT: And defendant?

19 MR. IMPERATO: I would like to address the court,
20 please.

21 THE COURT: Go ahead.

22 MR. IMPERATO: I would like to call to your signed
23 court order that states that several of the motions appears to
24 have merit.

25 THE COURT: No, no, no. No, no, no. There are two

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THE COURT: -- or the response is filed?

MR. IMPERATO: I'm sorry, Your Honor. This is new to me. Are you asking me to address the motion that you signed pertaining to all my motions --

THE COURT: No.

MR. IMPERATO: -- or just the specific time to respond to them?

THE COURT: Just the specific time to respond to reply to their response.

They are asking for 10 days to respond --

MR. IMPERATO: I will --

THE COURT: -- and after they respond, how long would you need to reply?

MR. IMPERATO: I would probably need at least 30 days because I am not an insurance person and I don't represent Imperiali, Inc. and I don't know if any of the shareholders might want to participate in that. I can do it as fast as I can, but --

THE COURT: Well, the normal time to reply is 5 days, but let me ask the SEC.

What is your position on giving him an amount of time to reply?

MR. McCOLE: Your Honor, I mean we are certainly willing to grant ample adequate time for them to be able to reply, but I don't think 30 days would be -- I think 30 days

(Call to order of the Court)

THE COURT: This is the Securities & Exchange Commission versus Imperiali, Inc., et al.

Counsel, please announce your appearances, and let me start with the plaintiff SEC.

MR. McCOLE: Your Honor, on behalf of the United States Securities & Exchange Commission, Timothy S. McCole. M-c-C-o-l-e.

THE COURT: Okay. And let me move to the defendant present in court. Please announce your appearance.

MR. IMPERATO: Daniel Imperato for myself personally and individually, not representing Imperiali. Thank you.

THE COURT: And are there any other defendants on the line? No?

Okay. We are here on some 40 some motions that have been filed by the defendant Daniel Imperato since May 10th which amounts to more than one per business day for that period, many of which are duplicative, and it appears that there is no merit to all of them, with the exception of one that we don't know whether it has merit, which is docket entry 43, motion for dismissal with prejudice and for plaintiff's response to request to implead insurance companies.

I would like to ask the SEC to address the request to implead.

I don't know if you are prepared to do that today or

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO: 12-80021-CIV-RYSKAMP/HOPKINS

Securities & Exchange Commission

Plaintiff

vs.

Imperiali, Inc., et al

Defendant

Violation US Constitution
VOID

NOTICE OF TRIAL

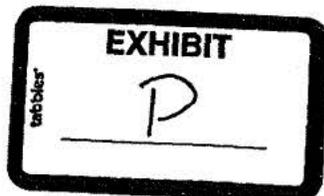
This case is set for **jury TRIAL** commencing the two-week trial period of **November 4, 2013**, in West Palm Beach, Florida. All matters relating to the scheduled trial date may be brought to the attention of the court at **CALENDAR CALL** on **October 31, 2013** in the Federal Courthouse, Courtroom No. 1, 701 Clematis Street, 4th floor, West Palm Beach, Florida at 1:15 P.M.

Plaintiff's counsel shall notify any attorneys not listed below of this notice of trial. Any motion for a continuance **MUST** be in writing in order to be considered.

DATED this 22nd day of June, 2012.

/s/ Sharon J. Hibbs
SHARON J. HIBBS, Judicial Administrator to
JUDGE RYSKAMP

c: All Counsel of Record



R-4-1

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1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF FLORIDA

3 Case No. 12-80021-CIV-RYSKAMP

4 SECURITIES AND EXCHANGE COMMISSION,)

5 Plaintiff,)

6 -v-)

7 IMPERIALI, INC., et al,)

8 Defendants.)

Judges Statements
Caucus Hearing

MISUSE OF WORDS TO MISTAKE TIME
HEARING) West Palm Beach, Florida
November 6, 2013
11:03 a.m.

After the Fact -
Misrepresented

9 Strike
10 False
11 Hearings
12 Transcripts
13 with
14 Errors
15 Errors
16 Incorrect
17 Identification and name of Hearings.
18 Excessive, PASSION, Abuse, violations, procedures + loc
19 Appearances:
20 For the Plaintiff:
21 TIMOTHY S. McCOLE, ESQ.
22 SECURITIES AND EXCHANGE COMMISSION
23 Barnett Plaza, Suite 1900
24 801 Cherry Street, Unit 19
25 Fort Worth, Texas 76102
For the Defendant:
DANIEL IMPERATO, PRO SE
Reporter:
Karl Shires, RPR, FCRR
Official Court Reporter
701 Clematis Street, Suite 258
West Palm Beach, Florida 33401

10 TRANSCRIPT OF HEARING ADOPTING REPORT AND RECOMMENDATIONS
11 BEFORE THE HONORABLE KENNETH L. RYSKAMP
12 U.S. SENIOR DISTRICT JUDGE

Not Evidentiary at

Excessive, PASSION, Abuse, violations, procedures + loc

Appearances:

For the Plaintiff:

TIMOTHY S. McCOLE, ESQ.
SECURITIES AND EXCHANGE COMMISSION
Barnett Plaza, Suite 1900
801 Cherry Street, Unit 19
Fort Worth, Texas 76102

For the Defendant:

DANIEL IMPERATO, PRO SE

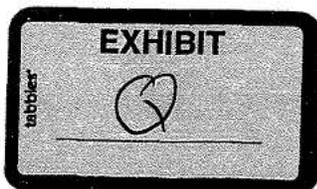
Reporter:
(561) 514-3728

Karl Shires, RPR, FCRR
Official Court Reporter
701 Clematis Street, Suite 258
West Palm Beach, Florida 33401

STENOGRAPHICALLY RECORDED COMPUTER-AIDED TRANSCRIPT

Exhibit Transcript II
29 pages + 1 receipt.

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49

1 (Call to Order of the Court.)

2 THE COURT: You may be seated.

3 This is the Securities and Exchange Commission versus
4 Imperiali.

5 State your appearances, please.

6 MR. MCCOLE: Your Honor, on behalf of the United
7 States Securities and Exchange Commission, Timothy S. McCole.

8 THE COURT: All right. Is Mr. Imperato here?

9 MR. IMPERATO: Thank you, Your Honor. It's a pleasure
10 to be here. Thank you for your time. Daniel Imperato
11 representing myself pro se. Thank you.

12 THE COURT: All right. Ordinarily I wouldn't set this
13 hearing, but you have continued to file motions long after the
14 merits of this case have become decided. Judge Hopkins -- I
15 have a Report and Recommendation which recommended the granting
16 of summary judgment for the Securities and Exchange Commission.
17 He found that you violated numerous laws; selling unregistered
18 stock, making false representations regarding the stock, and
19 many other things which you have never contested.

20 I don't know what your grievance at this point is.
21 You seem to think that because of a filing error that the case
22 was dismissed. This happens occasionally. We vacate that
23 order. There was nothing in the order that said that the case
24 should be dismissed.

25 At one time you thought the case was settled. It was

1 settled on the condition you provide certain records which
2 never happened.

3 So I'll listen to hear what you have to say, what's
4 your problem with this case.

5 MR. IMPERATO: Thank you very much, Your Honor.

6 First of all, I did contest the charges that the SEC
7 made against me. I would never in my life do what was charged
8 against me. And if I had not been effectively denied my jury
9 trial, I believe that I would have been able to provide the
10 proper evidence to the Court.

11 THE COURT: You insist that your entitled to a jury
12 trial. The rules say that summary judgment is proper when
13 there's no dispute as to facts and the only question is a
14 matter of law. In fact, you filed over a dozen motions for
15 summary judgment so you must understand that.

16 MR. IMPERATO: Well, yes, Your Honor. But I did, in
17 my opinion, support -- give you supportive evidence that was
18 material, factual.

19 THE COURT: Was your stock registered that you sold?

20 MR. IMPERATO: Well, Your Honor --

21 THE COURT: "Yes" or "no"?

22 MR. IMPERATO: As far as I know it was a private
23 placement that was exempt under the Securities and Exchange
24 Commission.

25 THE COURT: You sold over 2 million shares?

1 judgment shouldn't have been entered against you, is that it?

2 MR. IMPERATO: Of course not.

3 THE COURT: All right. I've got your position.

4 Let me hear from the SEC lawyer as to -- I was not, of
5 course, at the magistrate's hearing and didn't -- I haven't
6 reviewed every piece of evidence that was submitted at that
7 time, but give me your take on why the summary judgment was
8 proper.

9 MR. MCCOLE: Your Honor, the hearing that the
10 magistrate had was not a hearing as to the summary judgment
11 evidence, but the magistrate judge did review the vast amount
12 of evidence that the Securities and Exchange Commission put
13 forward in its moving papers for summary judgment to establish
14 that there is no dispute as to any of the facts establishing
15 that Mr. Imperato and his company committed fraud, sold
16 unregistered securities, violated numerous other provisions of
17 the federal securities law.

18 This was an abject and egregious scheme that enticed
19 multiple investors into it. Over 26 investors invested nearly
20 \$2.5 million in a span of approximately two years. They've
21 lost all of that money.

22 This company was illegitimate from the very beginning.
23 It never had any of the assets that it purported to own. We
24 established that, that there was no dispute as to that fact.

25 And in response to the Commission's summary judgment

1 And second, monetary relief which takes two forms.
2 One, disgorgement. So we're asking the Court to order the
3 defendant to cough up their ill-gotten gains.

4 THE COURT: Well, Mr. Imperato says he can't even hire
5 a lawyer, he doesn't have any money. So apparently that would
6 all be pretty much academic, whatever disgorgement is ordered.

7 MR. MCCOLE: Well, collections is really a separate
8 issue, Your Honor.

9 THE COURT: Right.

10 MR. MCCOLE: And the Court -- you know, it's an
11 equitable remedy. And I don't want to say that the Court
12 cannot consider the ability to pay.

13 THE COURT: Well, I'm just pointing out that you're
14 entitled to disgorgement, but it's going to be academic.

15 MR. MCCOLE: We recognize that there may be some
16 collection issues in the case, Your Honor. Certainly.

17 THE COURT: And what else are you seeking?

18 MR. MCCOLE: And then on top of the disgorgement,
19 obviously, prejudgment interest. And then in addition to those
20 things a civil money penalty which would be an amount to be
21 determined by the Court based upon the range of penalties that
22 we've briefed for the Court in our remedies brief,
23 Document 181, Your Honor.

24 In essence, what that does in terms of the penalty for
25 a violation of the federal securities laws involving fraud and

1 false?

2 MR. McCOLE: With his own testimony. He admitted in
3 testimony -- among other things, he admitted in testimony,
4 which we filed with the Court, his own sworn statement, that
5 Imperiali did not own the assets that were touted as assets
6 owned by Imperiali and a having very high value, in the
7 multimillions of dollars.

8 The upshot of his testimony is that we never completed
9 any of these transactions that would have given Imperiali
10 ownership of these assets. Moreover, the companies that were
11 supposedly valued at these multiple millions of dollars he
12 testified were essentially ideas and not any -- truly a viable
13 ongoing business selling services and/or products.

14 THE COURT: All right. With regard to 15A, Count 5
15 prohibits any broker from using any instrumentality in
16 interstate commerce. What evidence did you have to that and
17 what evidence did he present that contradicted that?

18 MR. McCOLE: Well, the evidence that we put forward
19 for that was that Mr. Imperato controlled Imperiali, that he
20 hired a team of individuals to make cold calls of investors,
21 prospective investors around the country, that he paid them
22 commissions to do that, and that his conduct in engaging in
23 that activity was that of a broker.

24 A broker is someone under the securities laws who is
25 engaged in the business of purchasing -- of buying and selling

1 the settlement agreement.

2 They violated the law, and I'm going to hold them to
3 the letters of the law, and I'm going to bring this to the
4 supreme court, and I'm going to bring this to the grand jury
5 because I did nothing wrong. No matter what it costs.

6 And the last thing is, they changed the amounts. It
7 says right here, with Timothy McCole's signature, that my tax
8 returns -- I only had made \$500,000 and that I didn't have to
9 pay any money. If you let me approach the bench, I can show it
10 to you. And it says I don't have to pay anything because I
11 don't have any money. So then after he refiled, he changed the
12 amounts and changed the game on me.

13 I'm an innocent man, Your Honor, and my life is in
14 your hands. Whatever you rule I'll abide by, but I am telling
15 you that I will stick to my appeal, I will stick to my supreme
16 court, and I hope and pray that you, under Article I, Section
17 IX, Clause II, afford me the opportunity to do a direct appeal
18 to the Supreme Court of the United States.

19 THE COURT: All right. Your time has expired.

20 Counsel for the SEC, do you want to respond to any of
21 this?

22 MR. MCCOLE: Judge, very briefly, Your Honor.

23 The magistrate judge never recommended that this case
24 be closed. The Court has it right. It was a very simple
25 mistake. It was easily addressed, the title of that order

55

1 having case closed in it. But there was no actual order
2 closing the case.

3 We never had a settlement in this case. Even
4 Magistrate Judge Polmero noted in his order that it was a
5 tentative settlement and required conditions be met by
6 Mr. Imperato which he never met.

7 And finally, Your Honor, Mr. Imperato raised the
8 \$2.5 million in this egregious scheme. He got the vast
9 majority of that \$2.5 million as Magistrate Judge Hopkins
10 found.

11 MR. IMPERATO: My tax returns don't show that, Your
12 Honor, and I provided them to --

13 THE COURT: I'm listening to the SEC lawyer.

14 MR. IMPERATO: I'm sorry.

15 MR. MCCOLE: And now in -- he's had multiple
16 opportunities to defend himself, to put forward evidence to
17 rebut the evidence that the Commission has put forward. Rather
18 than do that he is continuing to assert that he, an honorable
19 man, is surrounded by liars. He insists that Magistrate Judge
20 Hopkins was a liar, he insists the insurance company was a
21 liar, he insists that others were liars, and he's the only
22 person here who is an honorable man.

23 To hear him tell it, his life has been derailed by
24 liars and conspirators, including the staff of the Securities
25 and Exchange Commission. It defies reason why anyone from the

D. Correspondence

III. Computation of Damages

The Commission seeks civil penalties, disgorgement, plus prejudgment interest, and other equitable relief from Defendants, and therefore does not seek "damages" within the meaning of Fed. R. Civ. P. 26(a)(1)(C). The Commission will seek imposition of the maximum civil penalties on the Defendants under Section 20(d) of the Securities Act [15 U.S.C. § 77t(d)] and Sections 21(d)(3) and 21A of the Exchange Act [15 U.S.C. §§ 78u(d)(3) and 78uA] based on each occurrence of chargeable conduct. The amount of civil penalties will be determined by the court.

IV. Insurance Policies

None.

DATED: July 11, 2012

Respectfully submitted,

s/Timothy S. McCole

TIMOTHY S. McCOLE

Mississippi Bar No. 10628

United States Securities and Exchange Commission

Burnett Plaza, Suite 1900

801 Cherry Street, Unit 18

Fort Worth, Texas 76102

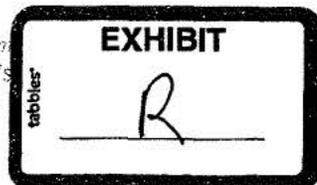
Telephone: (817) 978-6453

FAX: (817) 978-4927

E-mail: McColeT@SEC.gov

For Plaintiff

SEC v. Im
Plaintiff's



P. 9

Exhibit

Page

57

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

SECURITIES AND EXCHANGE
COMMISSION,

Plaintiff,

Civil Action No.: 9:12-cv-80021

v.

IMPERIALI, INC.,
DANIEL IMPERATO,
CHARLES FISCINA, AND
LAWRENCE O'DONNELL.

Defendants

FINAL JUDGMENT OF PERMANENT INJUNCTION
AS TO DEFENDANT DANIEL IMPERATO

The Securities and Exchange Commission having filed a Complaint and Defendant Daniel Imperato, by written Consent, having entered a general appearance; consented to the Court's jurisdiction over Defendant and the subject matter of this action; consented to the entry of this Final Judgment without admitting or denying the allegations of the Complaint (except as to jurisdiction); waived findings of fact and conclusions of law; and waived any right to appeal from this Final Judgment:

I.

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that Defendant and Defendant's agents, servants, employees, attorneys, and all persons in active concert or participation with them who receive actual notice of this Final Judgment by personal service or otherwise are permanently restrained and enjoined from further violating Section 5 of the

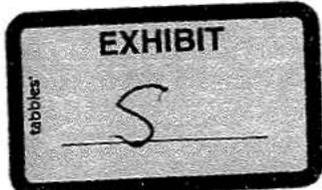


Exhibit
Settlement P.1

28
58

statement, application, report, account, record, or other document filed or transmitted pursuant to the Investment Company Act.

X.

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that, pursuant to Section 20(e) of the Securities Act [15 U.S.C. § 77t(e)] and Section 21(d)(2) of the Exchange Act [15 U.S.C. § 78u(d)(2)], Defendant is prohibited from acting as an officer or director of any issuer that has a class of securities registered pursuant to Section 12 of the Exchange Act [15 U.S.C. § 78l] or that is required to file reports pursuant to Section 15(d) of the Exchange Act [15 U.S.C. § 78o(d)].

XI.

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that Defendant is liable for disbursement of \$ ~~500,000~~ ^{75m} representing profits gained as a result of the conduct alleged in the Complaint, together with prejudgment interest thereon in the amount of \$106,412.31, for a total of \$ ~~606,412.31~~ ^{75m}. Based on Defendant's sworn representations in his Statement of Financial Condition as of September 28, 2012, and other documents and information submitted to the Commission, however, the Court is not ordering Defendant to pay a civil penalty and payment of all of the disgorgement and pre-judgment interest thereon is waived. The determination not to impose a civil penalty and to waive payment of all of the disgorgement and pre-judgment interest contingent upon the accuracy and completeness of Defendant's Statement of Financial Condition. If at any time following the entry of this Final Judgment the Commission obtains information indicating that Defendant's representations to the Commission concerning his assets, income, liabilities, or net worth were fraudulent, misleading, inaccurate, or incomplete in any material respect as of the time such representations were made, the Commission may, at its sole

P.2

witnessed by: [Signature] 29
59

XIV.

There being no just reason for delay, pursuant to Rule 54(b) of the Federal Rules of Civil Procedure, the Clerk is ordered to enter this Final Judgment forthwith and without further notice.

Dated: Oct 11 2012

UNITED STATES DISTRICT JUDGE

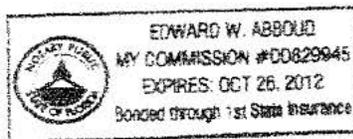
Defaulted by Plaintiff/RR and Contested 5/6/12

Approved as to form and content:

X _____ *NOTARIAL ADDRESS*

Donist J. Imperato

SUBSCRIBED TO BEFORE ME THIS 11TH DAY OF OCTOBER 2012



*Edward W. Abboud
NOTARY PUBLIC
STATE OF FLORIDA*

0.3

*30
60*

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

SECURITIES AND EXCHANGE
COMMISSION,

Plaintiff,

v.

Civil Action No.: 9:12-cv-80021

IMPERIALI, INC.,
DANIEL IMPERATO,
CHARLES FISCINA, AND
LAWRENCE O'DONNELL,

Defendants

CONSENT OF DEFENDANT DANIEL IMPERATO

1. Defendant Daniel Imperato ("Defendant") acknowledges having been served with the complaint in this action, enters a general appearance, and admits the Court's jurisdiction over Defendant and over the subject matter of this action.

2. Without admitting or denying the allegations of the complaint (except as to personal and subject matter jurisdiction, which Defendant admits), Defendant hereby consents to the entry of the final Judgment in the form attached hereto (the "Final Judgment") and incorporated by reference herein, which, among other things:

- (a) Permanently restrains and enjoins Defendant from violating Sections 5(a), 5(c), and 17(a) of the Securities Act of 1933 ("Securities Act")[15 U.S.C. §§ 77e(a), 77e(c), and 77q(a)]; Sections 10(b), 13(b)(5), and 15(a) of the Securities Exchange Act of 1934 ("Exchange Act")[15 U.S.C. §§ 78j(b), 78m(b)(5), and 78o(a)] and Rules 10b-5, 13b2-1, 13b2-2, and 13a-14

P.4

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thereunder [17 C.F.R. §§ 240.10b-5, 240.13b2-1; and 240.13b2-2]; and Section 34(b) of the Investment Company Act of 1940 ("Investment Company Act"); and from aiding and abetting violations of Sections 13(a), 13(b)(2)(A), and 13(b)(2)(B) of the Exchange Act [15 U.S.C. §§ 78m(a), 78m(B)(2)(A), and 78m((b)(2)(B)] and Rules 12b-20, 13a-1, 13a-11, and 13a-13 thereunder [17 C.F.R. § 240.12b-20, 240.13a-1, 240.13a-11, and 240.13a-13]; and

(b) Prohibits Defendant, pursuant to Section 20(e) of the Securities Act [15 U.S.C. § 77(e)] and Section 21(d)(2) of the Exchange Act [15 U.S.C. § 78u(d)(2)], from acting as an officer or director of any issuer that has a class of securities registered under Section 12 of the Exchange Act [15 U.S.C. § 78l] or that is required to file reports pursuant to Section 15(d) of the Exchange Act [15 U.S.C. § 78o(d)]

3. Defendant acknowledges that the Court is not imposing a civil penalty or requiring payment of \$ ^{Bm P} 606,412.31 of disgorgement and pre-judgment interest based on Defendant's sworn representations in Defendant's Statement of Financial Condition as of September 28, 2012, and other documents and information submitted to the Commission. Defendant further consents that if at any time following the entry of the Final Judgment the Commission obtains information indicating that Defendant's representations to the Commission concerning Defendant's assets, income, liabilities, or net worth were fraudulent, misleading, inaccurate, or incomplete in any material respect as of the time such representations were made, the Commission may, at its sole discretion and without prior notice to Defendant, petition the Court for an order requiring Defendant to pay the unpaid portion of the disgorgement, pre-

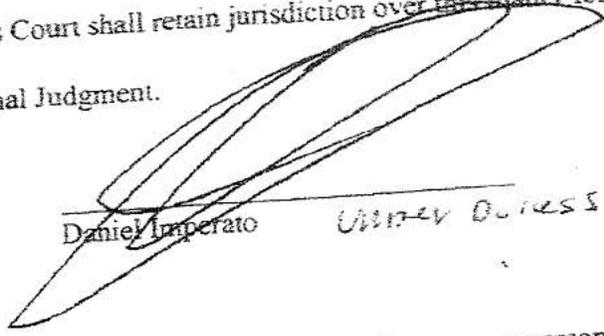
Witnessed by:

Harvey #10119
PS

3.2
62

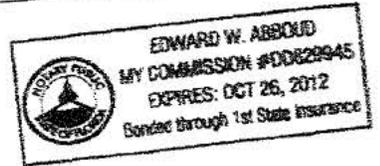
14. Defendant agrees that this Court shall retain jurisdiction over this matter for the purpose of enforcing the terms of the Final Judgment.

Dated: Oct 11, 2012


Daniel Imperato Witness

On Oct. 11, 2012, 2012, Daniel Imperato, a person known to me, personally appeared before me and acknowledged executing the foregoing Consent.

Edward W. Abboud
Notary Public
Commission expires:



Defaulted by Plaintiff Plaintiff Contested
5/6/12

Witnessed by: H. Iba
Harvey Honig Court
off:

P 6.

33
67



*U.S. Treasury Department
Debt Management Services - Bureau of the Fiscal Service
The Hager Building
25 West Oxmoor Road, Suite 7B
Birmingham, AL 35209*

September 18, 2014

Daniel Imperato



FedDebt Case No: 2014197953

In reply to your dispute, attached is debt information from the originating agency or their response to the dispute.

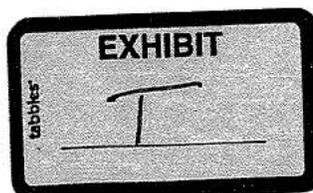
Per the agency, the debt is valid and collection should continue.

Contact Services Branch

Attachment

WARNING

The Sensitive but Unclassified (SBU) information attached to this letter is U.S. Government Property. If you are not the intended recipient of this information, then disclosure, reproduction, distribution or use of this information is prohibited (18 USC, 641). Please notify the Originator immediately to arrange for proper disposition.



69

From:
Sent: Wednesday, September 17, 2014 8:08 AM
To: Dispute.Responses@fms.treas.gov
Subject: Response to Debt Dispute of Daniel Imperato (DIS2014016214)
Attachments: FW-03245-B_Imperato, Daniel (Revised).pdf

I am writing in response to the debtor dispute form submitted with respect to the above referenced debtor. The Commission's debt collection regulations permit the dispute of a debt, when established by order entered in judicial or administrative proceedings to enforce the Federal securities laws, only upon evidence of payment or other satisfaction of the debt. Because the debtor has failed to satisfy the debt transferred to your office, you should continue with appropriate collection activity.

I have attached a copy of the order establishing the debt in this matter, as well as our demand letter. Also, I will fax this information to you.

If you have any comments or concerns, please contact me.

*United States Securities and Exchange Commission
100 F Street, NE; Mail Stop 5628
Washington, DC 20549*

Fax: 202-772-9352

TREASURY CROSS-SERVICING DISPUTE RESOLUTION

SBU

DMS Request Date: 2014/08/14

Total Number of Pages: This form + 52 pgs

FedDebt Case ID: 2014197953

Principal Amount: \$ 3134488

Creditor Agency Debt ID: 13901-XA

Debtor: IMPERATO

Program: SEC

For CMS Use Only:

Dispute Contact Name:

HIC:

Dispute Contact Phone Number:

Beneficiary Name:

Dispute Facsimile Number: 2027729352

TIN: 015-50-3354

Delinquency Date:

Dispute Number: DIS2014016214

Dispute request reason: Misc. Dispute

Additional Comments: DEBTOR IS DISPUTING DEBT STATING HE WAS DENIED BURDEN OF PROOF. DEBTOR STATES HE DENY ALL CLAIMS AND AMOUNTS IN COLLECTION AS UNLAWFUL, UNJUST, AND FALSE.

If you have any questions regarding the dispute, please send an email to: Dispute.Responses@fms.treas.gov
You may also email your response to this address or fax it to 1-855-834-2861 within 90 days of the request date.

Creditor Agency (CA) Dispute Resolution Section:

Please indicate a response by checking one of the following reasons: Please attach supporting documentation.

- DAIC CA agrees - Debt amount is incorrect - Requires financial adjustment.
- DAAA CA agrees - Debt amount is incorrect - Stop collection activity.
- DACC CA disagrees - Debt amount is correct - Continue collection efforts.
- CCAA CA agrees - Complaint - Stop collection activity.
- CCFF CA agrees - Complaint - Requires financial adjustment, continue collection efforts.
- CCDD CA disagrees - Complaint - Continue collection efforts.
- CNAA CA agrees - Congressional Dispute - Stop collection activity.
- CNFF CA agrees - Congressional Dispute - Requires financial adjustment, continue collection efforts.
- CDNN CA agrees - Congressional Dispute - Continue collection efforts.
- MDAА CA agrees - Miscellaneous dispute - Stop collection activity.
- MDFP CA agrees - Miscellaneous dispute - Requires financial adjustment, continue collection efforts.
- MDDD CA disagrees - Miscellaneous dispute - Continue collection efforts.
- VDWD CA agrees - Wrong debtor - Stop collection activity.
- VDRD CA disagrees - This is not the wrong debtor - Continue collection efforts.
- VDPP CA agrees - Previously paid - Stop collection activity.
- VDNP CA disagrees - Not previously paid - Continue collection efforts.
- VDPR CA agrees - Previously resolved - Stop collection activity.
- VDNR CA disagrees - Not previously resolved - Continue collection efforts.

Financial Adjustment Information (To Be Completed By Creditor Agency):

Principal Amount \$ _____
 Interest Amount \$ _____
 Penalty Amount \$ _____
 Admin Cost Amount \$ _____
 Total Balance Owed \$ _____

Please check one of the following:

Adjustment reflects the total balance currently owed by the debtor, and has been made by our Agency.

Adjustment has not been made in FedDebt by the Agency, and should be made by DMS.

Creditor Agency Response Date: 9/17/14 Creditor Agency Response Contact: _____

Additional Comments By Creditor Agency: _____

See attached email

66

Securities and exchange commission

v

IMPERATO

Case # 9 ;12-cv-80021

Appeal #13- 14809-ff

February 1st 014

Attention

Elizabeth M Murphy, secretary
Securities exchange commission
100 f street. Ne.,
Washington D.C. 20549

Nancy Ellen Tyler
Assistant chief litigation counsel
100 f st. n.e.
Washington ,Dc 20549

Petition for waiver and hearing to dispute the existence and or the amount of the alleged debt. See Motion to stay (de 171) under appellate court review as to weather a issue of jurisdiction is at hand based on agreement of settlement (de 116 vol.1 and 111, de 184.179)that should have stopped the original case. (letter request (ms white)of copy of rejection and exceptions) (see appeal volume 11 r -8)

Hurtado v California, Griswold v Connecticut ,
See 16 wall 36, (1873) article 4 of the original us
constitution. Respondent demands protection from his
government.

Sec. v Texas financial group, **28 U.S.C. § 2462** , Spencer c
. barasch ,amin. proc. file no. 3-14891 rule 102 (e), Egan
Jones v sec.

See rapoport v sec. 682 f.3d 98(d.c.cir.2012)

a. IMPERATO has not been found guilty by a jury of his peers which is repugnant tpo the united states constitution and voids the judgments as a matter of constitutional law.

The commission has not established any factual evidence support third tier

Securities and exchange commission

v

IMPERATO

Case # 9 ;12-cv-80021

Appeal #13- 14809-ff

March 7th 014 2nd request

February 1st 014

1st sent 

Attention

Elizabeth M Murphy, secretary
Securities exchange commission
100 f street. Ne.,
Washington D.C. 20549

Nancy Ellen Tyler
Assistant chief litigation counsel
100 f st. n.e.
Washington ,Dc 20549

Second response waiting 60 day rsvp (see rsvp feb 1st 014)
Petition for waiver and hearing to dispute the existence and or the amount of the alleged debt. See Motion to stay (de 171) under appellate court review as to weather a issue of jurisdiction is at hand based on agreement of settlement (de 116 vol.1 and 111, de 184.179)that should have stopped the original case. (letter request (ms white)of copy of rejection and exceptions) (see appeal volume 11 r -8)

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The commission has not established any factual evidence support third tier

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07 | PENTAX

Skys sentenced, source of wealth revealed

December 03, 2009 | By MICHELLE GANASSI, Daily American Staff Writer

Eric Skys was sentenced Thursday to 130 months in federal prison for attempting to defraud banks out of millions of dollars.

Recommend 0

But court documents pertaining to his sentencing say the fraud extended beyond phony shares of Sprint stock.

0 0

Tweet

Skys, formerly of Somerset, pleaded guilty to wire, bank and securities fraud after two days of testimony from government witnesses in August.

Skys attempted to defraud a bank out of \$83 million by selling fake shares of Sprint stock he claimed his company, Kaiser Himmel Corp., controlled. Skys had an office in Rockwood and claimed he was producing anti-virus software. His plea came after two Citibank executives and an investor relations manager at Sprint testified.

According to court documents, Skys' attorney, Ira London of New York, recommended a 60-month sentence. London filed an appeal notice Thursday after the sentence was imposed.

"There was no real risk that any of the financial institutions would honor the Sprint stock as a collateral for a cash advance," he said in a sentencing memorandum. "The materials provided by Mr. Skys, and his description of the deal with Sprint, were patently ridiculous and somewhat amateurish. It is inconceivable that Sprint would transfer 13.4 million shares of stock while maintaining secrecy from investors and the financial news services, not withstanding a confidentiality agreement (which in practice is breached more often than it is observed)."

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July 16, 2008

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May 16, 2008

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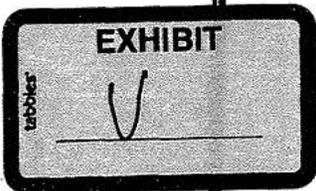


Exhibit.

69

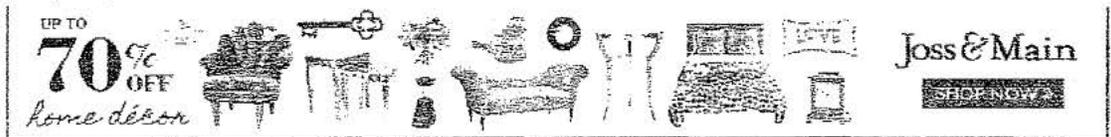
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(Michelle Ganassi can be reached at michelleg@dailyamerican.com. Comment on this story online at dailyamerican.com.)

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Exhibits

Imperiali Inc · N-54A · On 11/14/06

Filed On 11/14/06, 1:56pm ET · Accession Number 1214659-6-2218 · SEC File 814-00734

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Notice of Election by a Business Development Company — Form N-54A
Filing Table of Contents

Document/Exhibit	Description	Pages	Size
1: N-54A	Notice of Election by a Business Development Company	2±	6K

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UNITED STATES
SECURITIES AND EXCHANGE COMMISSION
Washington, D.C. 20549
FORM N-54A

NOTIFICATION OF ELECTION TO BE SUBJECT TO SECTIONS 55
THROUGH 65 OF THE INVESTMENT COMPANY ACT OF 1940 FILED
PURSUANT TO SECTION 54(a) OF THE ACT

The undersigned business development company hereby notifies the Securities and Exchange Commission that it elects, pursuant to the provisions of section 54(a) of the Investment Company Act of 1940 (the "Act"), to be subject to the provisions of sections 55 through 65 of the Act and, in connection with such notification of election, submits the following information:

Name: Imperiali Inc.

Address of Principal Business Office: 777 South Flagler Drive, Suite 800W, West Palm Beach, Florida, USA 33401

Telephone Number: 561-805-9494

Name and address of agent for service of process Charles A. Fiscina, Chief Financial Officer, Imperiali, Inc

The company has filed a registration statement for a class of equity securities pursuant to section 12 of the Securities Exchange Act of 1934. The Company filed a 10-SB statement on 19 October 2006.

The undersigned company certifies that it is a closed-end company organized under the laws of Florida and with its principal place of business in Florida; that it will be operated for the purpose of making investments in securities described in section 55(a)(1) through (3) of the Investment Company Act of 1940; and that it will make available significant managerial assistance with respect to issues of such securities to the extent required by the Act.

Pursuant to the requirements of the Act, the undersigned company has caused this notification of election to be subject to section 55 through 65 of the Investment Company Act of 1940 to be duly signed on its behalf in the city of West Palm Beach and state of Florida on the 31st day of October, 2006.

Signature
Imperiali Inc.

By: /s/ Charles A. Fiscina

71

Charles A. Fiscina
Chief Financial Officer

Attest: _____

(Name)

(Title)

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X-treme Technology Corp

X-treme Technology Corp XTC, Diffusion Technology Corp (DTC) Billy Langella collects naive church goers to invest in his

2nd of Jan, 2011 by User991465

The majority of investors in this company are church-goers who think their faith will bring in the promised "ten fold" return. Billy Langella has a huge network of investors who receive Promissory Notes for a certain amount of shares in "XTC Technology, Diffusion Technology Corp.". There is no website, only password-only updates that cannot be printed out because they are "proprietary". For years people have been getting ridiculous reasons for the delay in not being paid back or the reason the company has not yet started. This has been going on for ten years! People are told they are lucky to get in, as they are no longer taking investors! Supposedly, they have invented a metal coating that "would have saved the Twin Towers, had it been on their building". They have filed for the patent, but that's about it. The founders, John Goodwin Fallstrom and Glen Cauthern, are no where to be found. Emails go unanswered. The people whose names they use, i.e., Bronce Henderson, were only paid consultants who stayed long enough to see their names were being used and these guys were scam artists. John Bigl invested his money but then sued them for securities fraud and WON... but these guys keep finding people who believe that to not have faith means to destroy all the good work these con artists are putting into the company. Ask questions... you're out.. blacklisted.. promissory notes are worthless and they start their smear campaign on anyone who asks questions. They hold your money ransom and the only way you can hope to get it back is by being good.. and patient.. and quiet... don't ask questions and back them up when they are attacked.. and maybe, just maybe.. you will see your money again.. but don't bet on it. EVERY person on their company list has been investigated and they ALL admit THIS IS A FRAUD! Go to <http://xtc-investors.orgfree.com/> and read about THE X-TREME SCHEME which are court records of the lawsuit against these con men.

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John's address is 837 SW 26th Court Ft lauderdale Florida 3315 cell phone # is 772 359 4160
Glen's address is 7054 Sw Wisteria Terrace Palm City Florida 34990 cell phone # is 772 240 6193 Billy's cell phone # is 917 447 1688

734 days ago by Doc

You're an asshole. Jim Bigl, not John. He was tossed when he attempted to take over the company. Yes he was paid back and told by the presiding judge to walk since he and his attorney would be next in front of the bench due to perjury.

14 patents to date are in with the US Patent office...

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Kaiser Himmel Corporation Announce Letter of Intent for Major Share Acquisition

December 05, 2007 03:28 PM Eastern Standard Time

WEST PALM BEACH, Fla.—(BUSINESS WIRE)—Imperiali Inc. announced today that it has received a non-cancellable letter of intent (LOI) from Kaiser Himmel Corporation and Mr. Eric Skys. This LOI has been signed and is being submitted to the Board of Directors of Imperiali Inc. for approval.

The basis of the LOI that Kaiser Himmel Corporation has agreed to is to subscribe to an additional 70 million shares of Imperiali Inc. common stock at a value of approximately \$3 per share, valued at approximately \$200 million (+/-) (USD). The margin of error for the exact amount is due to trading price of public shares owned by Kaiser Himmel of Sprint Nextel Corporation stock (NYSE:S).

The agreed upon LOI shall be independent of the November 2007 agreement of 10 million shares of common stock subscribed for by Kaiser Himmel and accepted by Imperiali Inc. Kaiser Himmel Corporation's ownership of its assets will be distributed to Imperiali Inc., upon acceptance, in accordance with the October 2008 distribution date and its previous agreement made with Imperiali Inc.

This event, when approved by Imperiali Inc.'s Board of Directors, also has a financing component of a minimum of \$3 million in additional working capital. This requirement will be part of the \$30 million Private Placement Memorandum that Imperiali Inc. will continue to offer to an array of Broker Dealers, and Private Equity Firms, who have already shown interest in participating based upon their legal review.

The \$3 million will be part of the Use of Proceeds from the \$30 million PPM and must be available for Kaiser Himmel Corporation's use to continue to develop its technologies. The LOI is also in accordance with Imperiali Inc. continuing to prepare its S-1 registration statement for a \$1-2 billion IPO planned sometime around April of 2008. The \$3 million additional capital must be allocated to Kaiser Himmel Corporation on or before the end of February 2008.

In the event that this non-cancellable LOI is executed by Imperiali Inc. and its Board of Directors, Kaiser Himmel Corporation, Eric Skys, will become the majority shareholder of Imperiali Inc. It has been agreed to in the non-cancellable LOI, that Daniel Imperato, founder of Imperiali Inc., will become a Senior Advisor to the company and, at that point, a minority shareholder, who will continue to execute the business plans of the company.

More announcements pertaining to this non-cancellable LOI are to come in the following days. In addition, the combined Imperiali Inc. Kaiser Himmel Corporation, will apply a name change upon completion to Kaiser Himmel I (Roman numeral I) standing for Kaiser Himmel Imperiali. Based upon the combined products and services that the company will offer and the combined subsidiary interests that company already owns, including i1search (www.i1search.com), management believes that the transaction will further enhance the success of the company and position the company for huge potential growth in 2008.

About Imperiali Inc. (<http://www.imperialiinc.com/>)

Imperiali Inc. is a global business development company (BDC), a specific type of closed-end investment company as defined by the Securities and Exchange Commission (SEC). Imperiali Inc. focuses its investment strategy on small cap companies with potential to grow globally in the areas of telecommunications

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technology, biotechnology, and energy. Imperiali Inc. also has subsidiaries in the areas of public relations, e-commerce, search engine, social networking, publishing, political advisory, telecommunications, and education. In addition, Imperiali Inc. has positioned itself to be a major infrastructure and project management organization.

Safe Harbor Statements under the Private Securities Litigation Reform Act of 1995: Those statements contained herein which are not historical are forward-looking statements, and as such, are subject to risks and uncertainties that could cause actual operating results to materially differ from those contained in the forward-looking statements. Such statements include, but are not limited to, certain delays that are beyond the Company's control, with respect to market acceptance of new technologies, or product delays in the testing and evaluation of products, and other risks, as detailed in the Company's periodic filings with the Securities and Exchange Commission.

Contacts

For Imperiali Inc., West Palm Beach

i1connect

Dan Mangru, [REDACTED]
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August 5, 2009

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July 16, 2008

FBI arrests Rockwood man, charges him with bank fraud

May 16, 2008

Skys sentenced, source of wealth revealed

December 03, 2009 | By MICHELLE GANASSI, Daily American Staff Writer

Eric Skys was sentenced Thursday to 130 months in federal prison for attempting to defraud banks out of millions of dollars.

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But court documents pertaining to his sentencing say the fraud extended beyond phony shares of Sprint stock.

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Skys, formerly of Somerset, pleaded guilty to wire, bank and securities fraud after two days of testimony from government witnesses in August.

Skys attempted to defraud a bank out of \$83 million by selling fake shares of Sprint stock he claimed his company, Kaiser Himmel Corp., controlled. Skys had an office in Rockwood and claimed he was producing anti-virus software. His plea came after two Citibank executives and an investor relations manager at Sprint testified.

According to court documents, Skys' attorney, Ira London of New York, recommended a 60-month sentence. London filed an appeal notice Thursday after the sentence was imposed.

"There was no real risk that any of the financial institutions would honor the Sprint stock as a collateral for a cash advance," he said in a sentencing memorandum. "The materials provided by Mr. Skys, and his description of the deal with Sprint, were patently ridiculous and somewhat amateurish. It is inconceivable that Sprint would transfer 13.4 million shares of stock while maintaining secrecy from investors and the financial news services, not withstanding a confidentiality agreement (which in practice is breached more often than it is observed)."

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Imperato introduced Dr. Jack Krauser, a Florida dentist, to Skys. Krauser was looking for a computer programmer to assist him in developing dental imaging technology to assist in dental implants, according to court documents. In February 2008 Krauser paid Skys \$300,000 to produce the software.

On the eve of his May 2008 arrest, Skys asked Krauser for a \$2 million loan, which he pledged to more than double after the sale of his Sprint stock, according to court documents. Skys also directed others, who were not charged as conspirators, to assist him in receiving funding from financial institutions.

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(Michelle Ganassi can be reached at michelleg@dailymmerican.com. Comment on this story online at dailymmerican.com.)

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United States Court of Appeals, Second Circuit.

UNITED STATES of America, Appellee, v. Eric SKYS, Defendant-Appellant.

No. 09-5204-CR.

Decided: February 23, 2011

Before: JACOBS, Chief Judge, KEARSE and STRAUB, Circuit Judges. Preet Bharara, United States Attorney for the Southern District of New York, New York, New York (William J. Stellmach, Daniel A. Braun, Assistant United States Attorneys, New York, New York, of counsel), for Appellee. Ira D. London, New York, New York (London & Robin, New York, New York, of counsel), for Defendant-Appellant.

Defendant Eric Skys appeals from a judgment entered in the United States District Court for the Southern District of New York following his plea of guilty before William H. Pauley III, Judge, convicting him on one count of securities fraud, in violation of 15 U.S.C. §§ 78j(b) and 78ff; three counts of wire fraud, in violation of 18 U.S.C. §§ 1343 and 2; and one count of bank fraud in violation of 18 U.S.C. §§ 1344 and 2. Skys was sentenced principally to 130 months' imprisonment, to be followed by a five-year term of supervised release. On appeal, he challenges two aspects of the district court's calculation of the range of imprisonment recommended by the advisory Sentencing Guidelines ("Guidelines"), contending that the district court erred (1) in finding that there were 10 or more victims of his offenses within the meaning of Guidelines § 2B1.1(b)(2), and (2) in finding that he was the organizer or leader of criminal activity that was extensive within the meaning of Guidelines § 3B1.1(a). For the reasons that follow, we conclude that the district court's findings on these issues are insufficient to permit meaningful review, and we remand for supplementation of the record with appropriate findings or for resentencing.

I. BACKGROUND

The events that gave rise to the present prosecution are no longer in dispute. On the third day of his trial on the above charges, Skys elected to withdraw his plea of not guilty and to plead guilty on all counts, stating, *inter alia*, "I am guilty and the evidence is overwhelming" (Trial Transcript, August 5, 2009, at 377).

A. The Events Underlying the Counts of Conviction

In August 2007, Skys, whose real name is Eric Smith, launched a scheme to obtain large sums of money from several financial institutions. He held himself out to be the president and chief executive officer of a company he called Kaiser-Himmel Corp. ("Kaiser-Himmel" or "K-H"), which was supposedly in the business of providing information technology consulting services. He approached Citigroup Inc. ("Citigroup") and represented that Kaiser-Himmel owned approximately 13.4 million shares of stock in Sprint Nextel Corp. ("Sprint") that K-H had received as payment for an anti-virus computer program called "Aedan," which K-H had supposedly developed and which involved the use of artificial intelligence. At that time, the market value of 13.4 million shares of Sprint was approximately \$240 million. Skys represented that K-H's Sprint shares were restricted, *i.e.*, they could not legally be transferred until October 2008, and he sought to realize immediate cash for about one-third of the shares by a means such as pledging them to Citigroup in exchange for a loan or an advance purchase price of \$83 million that would be repaid either in cash or by transferring the hypothecated shares. In

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fact, neither Skys nor K-H owned any Sprint stock, and all of the documents that Skys submitted to Citigroup as evidence of ownership were fabricated.

Citigroup seriously considered the proposed transaction but declined in October 2007, after it contacted Sprint and learned that Skys's claims were false and his documents were forgeries. Skys made similar attempts to obtain funds from three other financial institutions, using some of the same forged documents. Those attempts also failed.

Skys was arrested in May 2008 and charged with one count of securities fraud and one count of bank fraud in connection with his fraudulent offers to sell the Sprint shares to the financial institutions, in violation of 15 U.S.C. §§ 78j(b) and 78ff, and 18 U.S.C. §§ 1344 and 2, and three counts of wire fraud in connection with interstate telephone or fax communications to Citigroup with respect to, inter alia, securities accounts with fraudulently stated balances, in violation of 18 U.S.C. §§ 1343 and 2. As indicated above, Skys entered a mid-trial plea of guilty on all counts.

B. Uncharged Conduct

The presentence report ("PSR") prepared on Skys described the following additional fraudulent conduct in which Skys had engaged but which was not charged in the present case. From January 2006 through March 2007, Skys solicited investments in a company he called Backspace2—a predecessor of Kaiser-Himmel—representing that he had become a multimillionaire by developing the "Aedan" anti-virus program and that he had existing contractual relationships with several large corporations and the United States Department of Defense. In support of these solicitations, Skys distributed documents that were fabrications or forgeries. The PSR stated that these solicitations were successful and that Skys defrauded investors of moneys; but it did not identify any such investor, did not state how many investors there were, and did not state the amounts of which they were defrauded.

In addition, the PSR described Skys's receipt of \$300,000 from a Florida dentist in 2008 in exchange for a false promise to develop dental imaging software. Skys's sales pitch had included representations as to his ownership of 13.4 million shares of Sprint stock. Skys also solicited, unsuccessfully, a \$2 million investment from the dentist, promising to repay him \$5 million in the fall of 2008 when Skys would be permitted to sell the Sprint shares.

The PSR characterized the dentist and the Backspace2 investors as victims in Skys's offenses but noted that his conduct with respect to those persons was uncharged.

C. Sentencing

The PSR's calculation of Skys's advisory-Guidelines offense level began with a base offense level of 7 pursuant to § 2B1.1(a)(1); it recommended increases for the following specific offense characteristics: 24 steps pursuant to § 2B1.1(b)(1)(M) for an intended loss amount of more than \$50 million but not more than \$100 million; two steps pursuant to § 2B1.1(b)(2)(A) for an offense involving 10 or more, but fewer than 50, victims; and two steps pursuant to § 2B1.1(b)(9)(C) for an offense that involved sophisticated means. The PSR also recommended a four-step upward adjustment pursuant to § 3B1.1(a) on the ground that Skys was an organizer or leader of criminal activity that involved five or more participants or was otherwise extensive, and a two-step downward adjustment pursuant to § 3B1.1(a) for Skys's acceptance of responsibility prior to the imposition of sentence.

The total offense level was 37. Given Skys's criminal history category of II, the Guidelines-recommended range of imprisonment was 235 to 293 months. The PSR nonetheless recommended a prison term of 120 months as sufficient, given, principally, that Skys had a history of emotional disturbance and had actually obtained no money from the financial institutions.

Skys submitted to the district court a presentence memorandum objecting to the PSR-recommended enhancement for 10-49 victims and the recommended adjustment for a leadership role in criminal activity involving five or more participants. He argued principally that the government had not sufficiently identified such victims or participants. Responding to the 10-victim-enhancement objection, the government argued that the total number of financial institutions that Skys had attempted to defraud, plus the Florida dentist and the Backspace2 investors he had succeeded in defrauding, was more than 10, and indeed approached 50. As to the role adjustment, the government argued that there were in fact at least five participants in Skys's criminal activity: (1) Skys himself; (2) his life partner Coreen Cunningham who, as the corporate secretary of Kaiser-Himmel, made material misrepresentations to Skys targets; (3) K-H's supposed chief financial officer Joseph Cross; (4) Michael Breshears, who, along with Cross, had acted as a middleman in assisting Skys's attempts to obtain financing from the financial institutions; and (5) Gary Griffiths, self-described as a collaborator in the supposed development of "Aedan," who had helped recruit individual investors for Backspace2. The government also argued that Skys's scheme, given its nature and his repeated misrepresentations and fabrications, was sufficiently extensive to warrant the role adjustment.

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Skys pursued his objections to the 10-victim enhancement and the leadership-role adjustment at the sentencing hearing. He argued, *inter alia*, that the Backspace2 investors should not be considered victims of his offense because that scheme was not part of the same enterprise as his offense conduct. He argued that the role adjustment was inappropriate because Cunningham could not be a criminally responsible participant, as “[s]he believed what Mr. Skys told her,” and there was “no evidence that [she] knew” anything she did for Kaiser-Himmel “was fraudulent,” and that the other individuals named by the government were “merely doing their jobs” and could not legitimately be considered coconspirators. (Sentencing Transcript, December 3, 2009 (“S.Tr.”), at 9.) Skys claimed that the scheme did not meet the “otherwise extensive” branch of the leadership role guideline because he conducted the fraud “alone through just e-mails.” (Id. at 10.)

In sentencing Skys, the district court stated that (except in certain respects not pertinent to this appeal) “this Court has reviewed the presentence report. I adopt the findings of fact in the report as my own.” (Id. at 20.) In rejecting Skys’s 10-victim objection, the court stated as follows:

[C]onsidering the continuity with relevant conduct and the financial institutions involved, I find that the probation’s calculation of the two-level enhancement for more than ten victims is warranted.

(Id. at 21.)

With respect to the role adjustment, the court had noted that § 3B1.1(a) has “two disjunctive” branches, one requiring five or more participants and the other requiring criminal activity that was otherwise extensive. (S.Tr.9.) The court commented that Skys “really didn’t need five or more people. He had Ms. Cunningham and then he had the unwitting participation of other people at these various financial institutions.” (Id. at 10.) “He did it from his home over a period of time in a number of calculated and orchestrated moves. And he was so good at it that he was capable of convincing other people that his enterprise was a legitimate one. How is that not extensive?” (Id.) In formally ruling on Skys’s challenge, the court stated as follows:

Now the defendant objects to the four-level enhancement for being an organizer or leader of activity involving five or more participants or that was otherwise extensive, and this Court finds that this was an extensive scheme. Mr. Skys led a life that was entirely a life of fraud, and whenever he needed to offer another artifice, he did it, whether it was a forged stock certificate, a bogus account statement, a manipulation of e-mails. Whatever it took, the defendant rose to the occasion. It was not a momentary lapse. It was extensive. And Mr. Skys was constantly moving on to new targets of opportunity. And so a four-level enhancement is warranted in this case.

(Id. at 21-22.)

The court concluded that Skys’s Guidelines-recommended range of imprisonment was 235 to 293 months. However, noting that Skys had not succeeded in his scheme to defraud the financial institutions, and finding that he was only 26 years of age and possessed the ability to become a productive member of society, the court imposed a below-Guidelines prison term of 130 months.

This appeal followed.

II. DISCUSSION

On appeal, Skys challenges the district court’s application of the 10-victim and leadership-role offense-level increases as part of the Guidelines calculations. We have difficulty with both increases.

A. The Standards of Review

The district court has discretion to impose either a Guidelines sentence or a non-Guidelines sentence, see, e.g., *United States v. Booker*, 543 U.S. 220, 243-45 (2005); but the court must “begin all sentencing proceedings by correctly calculating the applicable Guidelines range,” *Gall v. United States*, 552 U.S. 38, 49 (2007); see, e.g., *Booker*, 543 U.S. at 259-60. We review the district court’s sentencing decision for “reasonableness,” which is essentially review for abuse of discretion. See, e.g., *Gall*, 552 U.S. at 46; *United States v. Brown*, 514 F.3d 256, 264 (2d Cir.2008).

In determining whether there was an abuse of discretion, we review “for an error of law, or clearly erroneous findings of fact, or a decision that cannot be located within the range of permissible decisions.” *United States v. Josephberg*, 562 F.3d 478, 502 (2d Cir.), cert. denied, 130 S.Ct. 397 (2009); see, e.g., *United States v. Abiodun*, 536 F.3d 162, 166 (2d Cir.) (“Abiodun”), cert. denied, 129 S.Ct. 589 (2008). Rulings of law are reviewed *de novo*; findings of fact are reviewed for clear error. See, e.g., *id.*; *United States v. Rubenstein*, 403 F.3d 93, 99 (2d Cir.) (“Rubenstein”), cert. denied, 546 U.S. 876 (2005). “[M]ixed questions of law and fact” are reviewed “either *de novo* or under the clearly erroneous standard[,] depending on whether the question is predominantly legal or [predominantly] factual.” *United States v. Thorn*, 446 F.3d 378, 387 (2d Cir.2006).

"[T]he interpretation of a sentencing guideline is a question of law," *United States v. Carr*, 557 F.3d 93, 103 (2d Cir.) (internal quotation marks omitted), cert. denied, 130 S.Ct. 169 (2009), and "[r]egardless of whether the sentence imposed is inside or outside the Guidelines range, [we] . . . must first ensure that the district court committed no significant procedural error, such as . . . improperly calculat[ing] the Guidelines range . . . or failing to adequately explain the chosen sentence," *Gall*, 552 U.S. at 51.

As to disputed issues of fact, the district court must make findings with sufficient clarity to permit meaningful appellate review. See, e.g., *United States v. Ahders*, 622 F.3d 115, 119, 122 (2d Cir.2010); *United States v. Ware*, 577 F.3d 442, 451-52 (2d Cir.2009) ("Ware"), cert. denied, 131 S.Ct. 432 (2010); *United States v. Cavera*, 550 F.3d 180, 193 (2d Cir.2008) (en banc), cert. denied, 129 S.Ct. 2735 (2009); *United States v. Carter*, 489 F.3d 528, 538 (2d Cir.2007) ("Carter"), cert. denied, 128 S.Ct. 1066 (2008). A defendant's role in criminal activity is a question of fact, see, e.g., *Ware*, 577 F.3d at 452; *Carter*, 489 F.3d at 538. The number of persons or entities who are victims within the meaning of Guidelines § 2B1.1(b)(2) is likewise a question of fact; but the matter of who can properly be considered a victim within the meaning of that guideline is a question of law. See, e.g., *Abiodun*, 536 F.3d at 169.

B. The 10-Victim Enhancement

Skys challenges the 10-victim enhancement on the ground that neither the four financial institutions that avoided being defrauded into accepting his proposed multi-million-dollar transaction nor the individuals who actually were defrauded into giving him money could properly be considered victims within the meaning of § 2B1.1(b)(2). That section instructs the sentencing court, in pertinent part, as follows:

(Apply the greatest) If the offense-

(A)(i) involved 10 or more victims . . . increase by 2 levels;

(B) involved 50 or more victims, increase by 4 levels .

Guidelines §§ 2B1.1(b)(2)(A)(i) and (B). The commentary to § 2B1.1 defines "[v]ictim," in pertinent part, as "any person [including individuals, corporations, and companies] who sustained any part of the actual loss determined under subsection (b)(1)." Guidelines § 2B1.1 Application Note 1 (emphasis added).

Subsection (b)(1) of § 2B1.1 is the loss table that prescribes offense-level increases depending on the amount of loss. The commentary focusing on subsection (b)(1) provides, with exceptions not relevant here, that "loss is the greater of actual loss or intended loss," Guidelines § 2B1.1 Application Note 3(A) (emphasis added). It defines "[i]ntended loss" as "the pecuniary harm that was intended to result from the offense," *id.* Application Note 3(A)(ii) (emphasis added), and defines "[a]ctual loss" to "mean[] the reasonably foreseeable pecuniary harm that resulted from the offense," *id.* Application Note 3(A)(i) (emphasis added). To determine which "is the greater," actual loss or intended loss, the court obviously must make some determination as to the amount in each category; but it "need only make a reasonable estimate of the loss," *id.* Application Note 3(C).

In sum, while the court's loss determination under subsection (b)(1) of § 2B1.1 is to be based on the amount of intended loss if that is greater than the amount of actual loss, "victims," within the meaning of subsection (b)(2), are only those persons or entities who sustained "actual loss determined" by the court "under subsection (b)(1)." See, e.g., *Abiodun*, 536 F.3d at 169 (error as a matter of law to include as victims individuals whose "losses . . . were not included in the loss calculation").

Skys, noting the above definition of "[v]ictim," points out that

[a]lthough the testimony adduced at trial could support a claim that the financial institutions bore some incidental, actual loss, that loss was not part of the § 2B1.1(b)(1) calculation. The purported incidental losses therefore cannot form the basis for a finding that the financial institutions were victims. Moreover, if the court took lost time into account when it decided that the financial institutions were victims, it failed to determine the monetary value of this time when making its calculations of loss, as this section also requires.

(Skys brief on appeal at 27 (emphases added).) We agree. The court's loss calculation under subsection (b)(1) was based on intended loss:

[T]he defendant admitted he attempted to deceive financial institutions by making fraudulent misrepresentations to them that he was in possession of more than 13 million shares of Sprint-Nextel stock. He made these representations in an effort to obtain \$83 million from financial institutions in the United States.

Now this Court has reviewed the presentence report. I adopt the findings of fact in the report as amended here on the record as my own.

Turning first to the guideline calculation, because this crime sounds in fraud, the base offense level is 7, and because the offense involved an anticipated loss exceeding 50 million but less than a hundred million, 24 levels are added.

(S.Tr. 20-21 (emphases added).)

The district court itself made no determination that any of the four financial institutions mentioned in the PSR suffered any actual loss. And although the court permissibly adopted the findings made in the PSR, that report, while stating that the financial institutions had used their resources for several months in evaluating Skys's proposed transaction, stated that there was no determined loss amount to the institutions.

Without any determined amount of actual loss to the financial institutions, the district court inappropriately included the institutions as victims under § 2B1.1(b)(2). We agree with Skys that it is unclear how nonapplication of the two-step 10-victim increase might have affected the district court's ultimate decision on sentencing (see Skys brief on appeal at 27-28), and we thus agree with his contention that we should

remand for the district court to determine (1) whether the record affords enough information for the court to recalculate the loss amount to include incidental losses; and, if so, (2) whether the new loss calculation would support a finding that there were ten or more victims to the offense. See *Abiodun*, 536 F.3d at 169.

(Skys brief on appeal at 28.)

Similar determinations are required with respect to the individual investors in Backspace2, who plainly must have been included in the district court's conclusion that there were 10 or more victims, given that the record indicates only four targeted financial institutions. The district court included these individuals because it viewed Skys's frauds against them as "relevant conduct." (S.Tr.21.) Skys concedes that "[t]he record shows that several individuals gave money to Skys" and thereby "lost their money." (Skys brief on appeal at 25.) But he contends that their inclusion as victims of his offenses of conviction was error (1) because the individuals "were not victims of the instant offense, but rather victims of uncharged conduct," and (2) because "the losses they sustained were not included in the court's loss calculation under § 2B1.1(b)(1)." (Skys brief on appeal at 26.)

Skys's objection to consideration of the frauds perpetrated against the individuals as relevant conduct is meritless. The number-of-victims enhancement is provided for in § 2B1.1(b)'s listing of "Specific Offense Characteristics" of property crimes such as fraud. Guideline § 1B1.3, which requires the sentencing court to take into account a defendant's "Relevant Conduct" in calculating his Guidelines range, provides, in pertinent part, that "specific offense characteristics shall be determined on the basis of," inter alia, "all acts committed by the defendant" and "all acts that were part of the same course of conduct or common scheme or plan as the offense of conviction." Guidelines § 1B1.3(a)(1)(A) and (2) (emphases added). Indicia of a common scheme or plan include the use of the same or a similar "modus operandi." Guidelines § 1B1.3 Application Note 9(A). We see no indication that the district court misinterpreted these provisions.

Nor do we see any clear error in the district court's finding that Skys's defrauding of the investors was relevant conduct. The record reflects, inter alia, that Skys represented that Backspace2 and Kaiser-Himmel (into which Backspace2 was merged) were computer technology companies; that major aspects of Skys's solicitations of both the Backspace2 investors and the financial institutions included misrepresentations that Skys or his company had developed the "Aedan" anti-virus computer program and as a result had won lucrative contracts with major corporations; and that Skys presented both targeted groups with forged and fabricated documents. Plainly, Skys's fraudulent conduct against both groups used the same or a similar modus operandi, and his frauds against the Backspace2 investors were properly considered relevant conduct.

Skys's objection on the ground that the actual losses suffered by the individuals were not determined as part of a subsection (b)(1) determination of actual loss, however, has merit. The district court implicitly found—and Skys admitted—at the sentencing hearing that the individual Backspace2 investors had suffered actual losses:

THE COURT: . [T]hey were defrauded, right? There's no question-

MS. HELLER [Skys's attorney]: Well, they lost money.

THE COURT: There's no question they were defrauded, is there?

MS. HELLER: No, your Honor, there is not.

(S.Tr.11.) But, the court made no determination or estimate as to the amounts lost by the defrauded Backspace2 investors, either individually or as a group.

Nor did the PSR—which noted the \$300,000 loss of a single individual, the Florida dentist—make any determination as to the amounts lost by the Backspace2 investors. Rather, given the magnitude of the \$83 million intended loss, to which Skys allocated, it appears that the PSR and the district court, for purposes of identifying the proper step on the subsection (b)(1) loss table, simply assumed—no doubt correctly—that the defrauded individuals' actual losses totaled less than \$83 million. But that assumption did not suffice to permit the court to consider the defrauded individuals to be victims within the meaning of § 2B1.1(b)(2), given the definition of victims as those who sustained any part of the actual loss “determined” under subsection (b)(1).

Further, neither the PSR nor the court made any finding as to the number of Backspace2 investors defrauded by Skys. The absence of any finding as to how many such investors there were, and as to the basis for any quantification, forecloses meaningful review of the application of the 10-victim enhancement.

In sum, the court did not determine the amount of actual losses suffered by the four financial institutions—or even whether they suffered actual losses at all; as to the individual Backspace2 investors—who Skys concedes suffered actual losses—the court did not make any estimate or determination of the amount of those losses; and the court did not make any finding as to how many such actually defrauded investors there were.

Accordingly, the district court's findings were insufficient to support the 10-victim enhancement under subsection (b)(2) and insufficient to permit meaningful appellate review. We remand for further proceedings to permit the court to supplement the record with such findings as are appropriate as to (a) whether and to what extent the financial institutions targeted by Skys suffered actual losses, (b) the amounts of loss suffered by individuals defrauded by Skys as part of this common scheme or plan, and (c) the total number of persons who suffered such actual losses. If the court concludes that there were fewer than 10 such victims, the court must recalculate Skys's Guidelines-recommended range of imprisonment without the victim enhancement.

C. The Role Adjustment

The Guidelines provide for a four-step increase in offense level if the defendant was “an organizer or leader of a criminal activity that” either “involved five or more participants or was otherwise extensive.” Guidelines § 3B1.1(a) (emphasis added). “Organizers or leaders of non-extensive criminal activities are subject only to the two-level enhancement of Guidelines § 3B1.1(c).” *United States v. Carrozzella*, 105 F.3d 796, 802 (2d Cir.1997) (“*Carrozzella*”), abrogated in part on other grounds by *United States v. Kennedy*, 233 F.3d 157, 160-61 (2d Cir.2000). For any part of § 3B1.1 to apply there must have been “more than one participant.” Guidelines Chapter 3, Part B—Role in the Offense, Introductory Commentary; see, e.g., *id.* § 3B1.1 Application Note 2 (“To qualify for an adjustment under this section, the defendant must have” supervised or led at least one “other participant [].”); *United States v. Garcia*, 413 F.3d 201, 223-24 (2d Cir.2005) (discussing § 3B1.1(c)), cert. denied, 552 U.S. 1154 (2008); *United States v. Zichettello*, 208 F.3d 72, 107 (2d Cir.2000) (discussing § 3B1.1(a)), cert. denied, 531 U.S. 1143 (2001). A “participant,” for purposes of § 3B1.1, is “a person who is criminally responsible for the commission of the offense, but need not have been convicted.” Guidelines § 3B1.1 Application Note 1; see, e.g., *Ware*, 577 F.3d at 453.

In the present case, the district court applied only the “otherwise extensive” branch of § 3B1.1(a), stating that “this Court finds that this was an extensive scheme” (S.Tr. 21; see also *id.* at 9-10 (Skys “really didn't need five or more people. He had Ms. Cunningham and then he had the unwitting participation of other people at these various financial institutions.”)). Skys contends that § 3B1.1 is not applicable at all, arguing that the district court did not find that there was any “criminally responsible participant” other than Skys himself (Skys brief on appeal at 30-31); and he contends that the court gave no adequate explanation for its determination that Skys's activity was “extensive” within the meaning of subsection (a) (*id.* at 31-33). We agree that the district court's findings and explanation were inadequate.

“Before imposing a role adjustment, the sentencing court must make specific findings as to why a particular subsection of [the] § 3B1.1 adjustment applies.” *Ware*, 577 F.3d at 451; see, e.g., *United States v. Espinoza*, 514 F.3d 209, 212 (2d Cir.) (“Our precedents are uniform in requiring a district court to make specific factual findings to support a sentence enhancement under [Guidelines] § 3B1.1.” (internal quotation marks omitted)), cert. denied, 553 U.S. 1045 (2008); *United States v. Patasnik*, 89 F.3d 63, 69 (2d Cir.1996) (“[A]n implicit finding is not enough.”); *Carter*, 489 F.3d at 538 (“Although this requirement of making specific factual findings may interfere with the smooth operation of the

sentencing hearing, we require specific factual findings to permit meaningful appellate review," (internal quotation marks omitted)).

To be "sufficiently specific to permit meaningful appellate review[. . .] it is not enough for the court merely to repeat or paraphrase the language of the guideline and say conclusorily that the defendant meets those criteria." Ware, 577 F.3d at 452. And "although a sentencing court may sometimes satisfy its obligation to make findings by adopting the factual statements in the defendant's presentence report . . . adoption of the PSR does not suffice if the PSR itself does not state enough facts to permit meaningful appellate review." Id.; see, e.g., Carter, 489 F.3d at 538-39.

With respect to the extensiveness branch of § 3B1.1(a), the Guidelines commentary states that

[i]n assessing whether an organization is 'otherwise extensive,' all persons involved during the course of the entire offense are to be considered. Thus, a fraud that involved only three participants but used the unknowing services of many outsiders could be considered extensive.

Guidelines § 3B1.1 Application Note 3 (emphases added). Further, as noted in Carrozzella,

the background commentary states that the adjustments in Guidelines § 3B1.1 are "based upon the size of a criminal organization (i.e., the number of participants in the offense) and the degree to which the defendant was responsible for committing the offense." Guidelines § 3B1.1 Background. This commentary and our decision in [United States v.]Liebman, [40 F.3d 544 (2d Cir.1994)] indicate that an adjustment under Guidelines § 3B1.1 is based primarily on the number of people involved, criminally and noncriminally, rather than on other possible indices of the extensiveness of the activity.

. At the very least, Section 3B1.1's 'otherwise extensive' prong demands a showing that an activity is the functional equivalent of an activity involving five or more participants.

Carrozzella, 105 F.3d at 802, 803 (first emphasis ours, second emphasis in original) (other internal quotation marks omitted).

Thus, this branch of § 3B1.1(a) is "not so much about extensiveness in a colloquial sense as about the size of the organization in terms of persons involved that a defendant 'organize[d]' or 'le[d].'" Carrozzella, 105 F.3d at 803. Accordingly, we have stated that

[t]hree factors determine whether an activity [wa]s "otherwise extensive": "(i) the number of knowing participants; (ii) the number of unknowing participants whose activities were organized or led by the defendant with specific criminal intent; [and] (iii) the extent to which the services of the unknowing participants were peculiar and necessary to the criminal scheme."

Rubenstein, 403 F.3d at 99 (quoting Carrozzella, 105 F.3d at 803-04 (emphases ours)).

The role-adjustment findings made in the present case do not meet the above standards. First, in order for either branch of § 3B1.1(a) to be applicable, there must have been, as discussed above, at least one person, in addition to Skys, who was a "participant," i.e., a person who, although perhaps not convicted, is criminally responsible for the commission of the offense. The district court stated that "[Skys] had Ms. Cunningham and then he had the unwitting participation of other people at these various financial institutions" (S.Tr.10); but while the statement that Skys "had" Cunningham is sufficient to indicate that Cunningham provided Skys with services, it is not a finding that Cunningham acted with knowledge that her conduct was criminal. Nor did the court make such a finding as to any other individual. The court's reference to the persons at the various financial institutions as "unwitting" (id.) tends to negative any implication that any of those persons could properly be deemed criminally responsible. Without a finding identifying at least one person other than Skys who was criminally responsible, the § 3B1.1(a) role adjustment was inappropriate. Given that, as to wire and bank fraud, Skys was convicted not only under 18 U.S.C. §§ 1343 and 1344 but also under 18 U.S.C. § 2, it would be surprising if there were not another criminally responsible person. But without an informative finding by the district court, no meaningful review is possible.

Second, the court gave no objectively reviewable explanation for its characterization of Skys's criminal activity as extensive. Although the government, as described in Part I.C. above, had named four individuals (other than Skys) whom it viewed as criminally responsible participants, the district court made no finding as to any of those individuals, nor any finding that there was a significant number of persons who were culpable. And although the government contended that the number of Backspace2 investors plus the Florida dentist and the financial institutions totaled nearly 50 victims targeted by Skys, the court made no finding as to that contention either-even assuming that such a finding would not constitute an impermissible overlap with an appropriate number-of-victims enhancement, see Carrozzella, 105 F.3d at 802-03. Nor did the court make a finding, as contemplated by § 3B1.1

Application Note 3, that quantified the persons who were “involved” during the course of Skys’s offense, or a finding that “many” people—or indeed anyone other than Cunningham—had provided Skys with “services.” Instead, the court found that

Mr. Skys led a life that was entirely a life of fraud, and whenever he needed to offer another artifice, he did it, whether it was a forged stock certificate, a bogus account statement, a manipulation of e-mails. Whatever it took, the defendant rose to the occasion. It was not a momentary lapse. It was extensive. And Mr. Skys was constantly moving on to new targets of opportunity. And so a four-level enhancement is warranted in this case.

(S.Tr. 21-22 (emphases added).) Statements that Skys led “entirely a life of fraud” and was “constantly” seeking new victims indicate repeated criminal conduct, but do not constitute findings of extensiveness except in a temporal or a colloquial sense. And those statements, like the statements that Skys did “[w]hatever” was required “whenever” a fabrication was needed, are not findings of fact that are susceptible to any meaningful appellate review. They are conclusory observations based on premises that the court did not articulate.

Accordingly, we remand to permit the district court to supplement the record with appropriate factual findings as to why the criteria for application of the extensiveness branch of § 3B1.1(a) are met. In so remanding, we do not mean to preclude the court from making factual findings, if the record warrants, as to the involvement of four persons in addition to Skys who were criminally responsible, at least one of whom was organized or led by Skys, and therefore applying the other branch of § 3B1.1(a). If the court concludes that the criteria for neither branch are met, it must recalculate Skys’s Guidelines-recommended range of imprisonment without an adjustment under that subsection, but with an adjustment under subsection (c) of § 3B1.1 if appropriate.

CONCLUSION

We have considered all of the parties’ arguments in support of their respective positions on this appeal and, except as indicated above, have found them to be without merit. We remand (a) for supplementation of the record with factual findings as to victim enhancement and role adjustment in accordance with the criteria discussed above; and/or (b) if the court concludes that either set of criteria is not met, for recalculation of Skys’s Guidelines-recommended range of imprisonment without the offense-level increase for which the criteria are not met, and for resentencing.

We note that Skys also contends that the adjustment on the ground that the scheme was extensive constituted impermissible double counting in light of the enhancements for loss amount, number of victims, and use of sophisticated means (see Skys brief on appeal at 34-35). Until more specific factual findings are made by the district court on remand, consideration of this contention is premature.

The mandate shall issue forthwith. If the district court supplements the record on both issues in accordance with the foregoing, this appeal will be reinstated—without the need for a new notice of appeal—upon notice by either party to this Court by letter within 14 days of such supplementation. If the district court resentences Skys, any party wishing to appeal must file a new notice of appeal. In either event, the matter shall be referred to this panel.

KEARSE, Circuit Judge.

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Subject: RE: Google Alert - Daniel imperato

From: [REDACTED]

To: [REDACTED]

Date: Sunday, January 15, 2012 3:02 PM

Date: Fri, 13 Jan 2012 06:25:29 -0800

From: [REDACTED]

Subject: Fw: Google Alert - Daniel imperato

To: ausra2010@live.de

Ausra,

Hope you are well. I thought you would be interested in some more news.

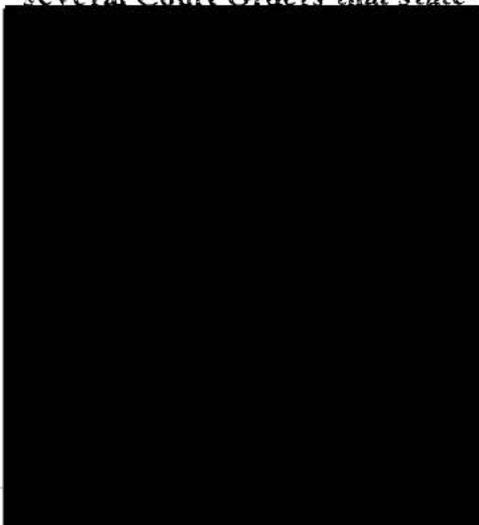
There are more Newspaper articles published on the internet today about Mr Imperato who is Rasa's fiancé .

You can read these by clicking on the web links below. This information is available for anyone to read. It's on the internet.

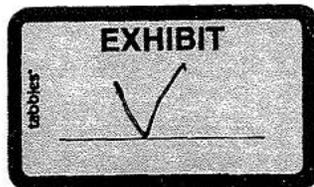
One is from the Palm Beach Post, which is the newspaper for West Palm Beach, which is where Rasa lives with Mr Imperato!

There is a picture of Mr Imperato in that newspaper, the picture below. This picture was taken when Mr Imperato was arrested and put in jail in April 2011. The, 6 weeks later, Rasa went to live with Mr Imperato in May 2011.

The American court/Judges have made the decisions that Mr Imperato should NEVER be with Logan! I have several Court Orders that state that!!



Reqs lawyers
Hired Dug up Case



Ausra – I am making you aware of this information so you have more understanding. All this information is available for you and anyone to read as its public record.

You might want to share this information with Laima/your mother, so that she too understands more of what has gone on.

Logan is very safe, very happy, and very healthy with me.

Chris

From: Google Alerts [mailto:googlealerts-noreply@google.com]
Sent: Thursday, January 12, 2012 8:54 PM
To: Chris Hadfield
Subject: Google Alert - Daniel imperato

News

2 new results for **Daniel imperato**

<http://www.palmbeachpost.com/news/crime/west-palm-beach-man-conned-investors-out-of-2098590.html>

SEC Charges Company Officers And Auditor With Fraud

The SEC alleges that between 2005 and 2008, **Daniel Imperato**, owner and CEO of West Palm Beach, Fla.-based **Imperiali Inc.** orchestrated a scheme to defraud ...

West Palm Beach man conned investors out of \$2.5M, used cash to ...

The SEC's civil suit says **Daniel Imperato**, 53, schemed to portray his company, Imperiali of West Palm Beach, as a thriving organization "when in fact it was ...

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sept 22 st 2014

The united states treasury department in concert with the securities exchange commission is in violation of the united states constitution And has ignored such laws of the land.

Fed debt (unlawfully obtained) 2014197953a
Agency debt id 130901-xa

If you make or provide false frivolous statements ,representations ,or evidence ,you may be liable for criminal penalties under 18 usc 1001 and 1002 or other applicable statutes ,and if you are a federal employee ,you may be subject to disciplinary actions for such statements and representations.

THE COMMISSION LAWYER MC COLE HAS MADE FALSE STATEMENTS AND PERJURED HIMSELF IN THE COURT AS WELL AS DENIED MY CONSTITUTIONAL RIGHTS WHICH AUTOMATICALLY VOIDS THE JUDGMENTS ORDERED BY THE COURT AS A MATTER OF THE LAWS OF THE LAND.

WAIVER PETITION REQUEST WAS FILED TIMELY AND I WAS DENIED AND IGNORED AN.

A timely filing of a petition no later then 15 days from the date of this letter dated (march 6th 2014)and (dated january 24th 2014) my letter and petition dated in response timely dated feb 1st 2014 and march 7th 2014 wereby the petition will stay the commencement of offset proceedings ,a final determination on the hearing will be issued no later then 60 days after filing the petition requested .

Due process of law was violated again no hearing set

I deny all claims and amounts in collection as unlawful ,unjust and false. now in violations of my civil rights and in conspiracy .



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**I AM ENTITLED TO DUE PROCESS OF LAW UNDER THE US
TREASURY RULES AND A JURY OF PEERS IN A COURT ROOM OR
THE TREASURY WILL BE IN VIOLATION OF THE UNITED STATES
CONSTITUTION AS WELL AS THE SECURITIES EXCHANGE
COMMISSION LAWYERS AND NOW THE COLLECTION DIVISION
TRYING TO COLLECT repugnant CLAIMS AND REPUGNANT
JUDGMENTS .**

It is hereby petitioned that the court order by united states district court ,southern district of Florida is not a law in accordance with the definition of law in the supreme court ruling -- hurtado v California 119 ,u.s. 516 4 th ,ct 111,28,1 ed,232 (1884). This ruling is quoted ; "it is not every act,; legislative in form , that is law. Law is something more than a mere will exerted as an act of power. It must be not a special rule for a particular person ,or a particular case ,but in the language of Mr. Webster ,in his familiar definitions , "the general law ,a law which has before it condemns which proceeds upon inquiry ,and renders judgment only after trial, : so that every citizen shall hold his life, liberty ,property and immunities ,under the protection of the general rules which govern society .and thus excluding ,as not due process of law , and penalties ,acts of attainer, bills of pain and penalties ,acts of confiscation, acts of reversing judgments ,and other special ,partial and arbitrary power ,enforcing its edicts to the injury of the persons and the property of its subjects ,is no law, weather manifested as the decree of a personal monarch or of an impersonal multitude . And the limitations imposed by our constitutional law upon the action of the government ,both sate and national ,and essential to the preservation of public and private rights ,not withstanding the representative character of our political institutions. The enforcement of theses limitations by judicial process is the devise of self governing communities to protect the rights of individuals and minorities ,as well against the power of numbers ; as against the violence of public agents transcending the .limits of lawful; authority ,even when acting in the name and wielding the force of the government. It follows that any legal proceedings enforced by public authority ,weather sanctioned by age and custom, or newly devised in the discretion of the legislative power ,in furtherance of tie of general public good, which regards and preserves these principles of liberty and justice ,must be held to be due process of law."

1. I filed a petition for hearing with the collection department of the commission timely concerning my right to a hearing which was denied.
2. I cited your rules pertaining to the collection process can not proceed without due process of law.

Public law 104-134 110 stat. 1321 - 359

(5) to ensure that debtors have all appropriate due process rights including the ability to verify ,challenge and compromise claims ,and access as administrative appeals proceedings which are both reasonable and protect the interests of the united states .

110 stat 1321-367 (5) shall be compromised 110 104 -134

(5) the individual shall be provided opportunity for a hearing

3. I am insolvent and have no visible income ,my tax returns proven I did not earn 2 mm dollars in the years that I was fined.
4. The commission has not met burden of proof by their own standards.
5. The collection for repugnant judgments are void as matter of the laws of the land.
 - a. the court denied me my rights to a trial by jury when in fact the case was settled and reopened with fraud upon the court .
 - b. the collection must stop immediate based on the laws of the land were by the united states constitution guarantees due process of law and a jury trial of peers same as your treasury rules and regulations.
6. Until such time the appeals court hands down its ruling these collection must stop.
7. Under rule 60 (b) I will move the court to vacate these illegal ,false repugnant judgments .

Prayer for relief

I pray fro relief of theses repugnant judgments and collections based on law of the land . I being treated as a denaturalized citizen by taking away my rights.

I demand under 41 wall 36 (1873)art. 4 original const.

protection from my government

it is hereby petitioned that this court`held under article IV of the constitution of the united states of America in its decisions in the slaughter house clause, 16 wall, 36, 1873, that "another privilege of a citizen of the united states is to demand the care and the protection of the federal government over his ,life liberty and property ..." and that if this court up holds this part of that decision , then it will grant me the right of :freedom of choice:, since that rights is not repugnant to the laws of the united states of America in accordance with article I ,section ,8 ,cause 18 of the constitution of the united states of America

I reserve the rights to file cross claims against the commission and the treasury for violations of due process law(hurtado v California) under the tucker act & wunderlich act .

It is hereby petitioned that the 17th section of the judiciary act of 1789,c 20, enacts :that all the said courts shall have the power to make and establish all necessary rules for the orderly conducting of business in the said courts, provided such rules are not repugnant to the laws of the united states : .. That this court and the commission will not act with repugnance to the laws of the united states as we the united states district court ,southern district of Florida and the securities exchange commission .

See (28 usc \$1346)& (1491)

See united states v wunderlich

see burr v Fha

see united states v testan ,

See article III ct ci rule 163 (b)

See united states v carlo bianchi &co

See licata v us postal service

Auction company of America v federal deposit ins.co

These judgment are void

Release no. 70959/ Nov. 27th ,2013

Administrative proceeding

File no. 3 - 15628.

**UNITED STATES COURT OF APPEALS FOR THE ELEVENTH
CIRCUIT**

Case No.13-14809 f-f Lower court 9:12-cv-8002 United States Southern
District Court of Florida

Affidavit

My name is I prepared this document and all documents sent to the irs ,sec.
and oig (irs & sec) [REDACTED]

I as best I could recollect and that I declare that to the best of my knowledge
and belief, that the statements made in this document and all other
documents are true ,correct and complete. I am willing to cooperate with my
government in any way possible.

Document prepared by [Signature] sept 23 rd 014

Dr. Fr. Daniel Imperato , km, ssp, gm & ob pro se
[REDACTED]

State of Florida Palm beach county

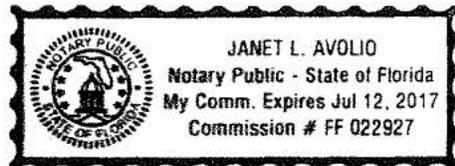
Sworn to and subscribed before me the undersigned notary public ,this 23rd
day of Sept 2014

My commission expires July 12, 2017

 personally known & produces identification type

produced Florida Drivers License

[Signature]
Notary public



("Recommendation"), finding that "the SEC has carried its burden of establishing the absence of a genuine issue as to any material fact alleged and therefore, it is entitled to the entry of judgment as a matter of law." DE 137 at 13. Magistrate Judge Hopkins recommended that the Court grant summary judgment against Defendants Daniel Imperato, Imperiali, Inc., and Lawrence A. O'Donnell. DE 137. Neither O'Donnell nor Imperiali filed responses to the SEC's summary-judgment motion.

3. Finally, the Court may dispose of this case before the docket call by adopting the Recommendation. The deadline to file objections to the Recommendation is October 9. *Id.* Defendant Imperato has filed objections. DE 148; DE 149; DE 150. The SEC expects the remaining two Defendants will not file objections. Defendant O'Donnell is in default before this Court. DE 138. And Defendant Imperiali, Inc., a corporate entity, has not appeared in the case after service of process. DE 13; DE 96; DE 137 at 4. (Get a lawyer)

For the foregoing reasons, the SEC respectfully requests the Court to issue an order permitting SEC counsel to attend the docket call by telephone. A proposed order is included herewith.

Certificate of Conference

The undersigned SEC counsel certifies that he attempted to confer with Defendant Imperato in a good faith effort to resolve the issues raised in this motion. SEC counsel emailed Imperato a draft of the intended motion on October 3, 2013, requesting that he indicate whether he opposes it. SEC counsel also left a voice message on Imperato's telephone at 10:58 a.m. central time on October 3, 2013, asking Imperato to phone regarding his position on the motion. Imperato did not respond.

SEC counsel could not confer with Defendant Imperiali, Inc. because it is an unrepresented corporation.

DATED: October 3, 2013

Respectfully submitted,

s/Timothy S. McCole

TIMOTHY S. McCOLE
Mississippi Bar No. 10628
JENNIFER D. BRANDT
Texas Bar No. 00796242
SECURITIES AND
EXCHANGE COMMISSION
801 Cherry Street, 19th Floor
Fort Worth, TX 76102
E-mail: McColeT@SEC.gov
Phone: (817) 978-6453
Fax: (817) 978-4927
Attorney for Plaintiff

McCole + Marishat Hopkins
(NOW CONSENTED)

Acted As Judge, Jury and Prosecution

Denying my Due Process of
Law Repugnant to US Const.

VOIDING JUDGEMENT

Brief Part II

United States of America
before the
Securities Exchange Commission
100 f St. Ne Washington D.C. 20549 -1019

Release no. 628 / July 7th ,2014
Administrative proceeding
File no. 3 - 15628.

July 21, 014
Sent us .mail

In the matter of Daniel Imperato
Respondent.

** Notice reserving Appeal rights **

Response to initial decision and objection to the decision based on error pertaining to clear and hard factual evidence of disputed facts submitted to the commission and overlooked or misunderstood and petition to reverse ,and retract the initial decision based on the merits ,evidence and the petition for redress here in.

Invoking my rights to A trial by Jury of Peers

See board of regents v roth ,408 us 564
See (5 usc &702)

See sierra club v Morton (405 us 277)

Invoking my rights to receive all Documents under (FOIA Act)
Motion to dismiss on merits and affirmative defenses

See Bank of nova scotia v united states

Your affiliated admin. Proc . Violates the united states constitution when in fact your false claims of me acting as a broker during the period 2006 07 is past the statutes as well as can not be heard in accordance with your own statements of collateral estoppels which bars your admin. Proc. From hearing theses affiliated claims that should have been taken up in the federal court claims and case and were not .

&3 apa /5 usc&552 & 10 apa,5 usc &&701- 706

Your admin proc. And initial finding forgot the factual evidence(that the commission has breeched its contract and had denied me a trail by jury of peers .

(See Attached) redress (Demanding protection From Government under (41 wall), turning this, Proc. over to the OIG, and DOJ at once. PAGES 1-77!



Your agency is not in compliance with the laws of the land and nor do they meet the requirements of due process of law.

Citizen protection act 1998
Brady rule 373 us 83 (1963)
Rule 3.8 (d) reversal
Canon code of ethics 5 (1908)

The primary duty of mc cole lawyer engaged in public prosecution is not to convict ,but to see that justice is done.)

See berger v united states

See zacharias v green (supra note 152 at 228)

Enforcement has created a harmful error
See us v kyles , brady, agurs and bagley

See imbler v pachtman 424 us 409 430 (1976)

See Apa 60 stat.237 (new deal) , cfr. Stock broker definition

Buys and sells in corporations shares in corporation and deal in corporation stock and in other securities . A stock brokers functions are generally broader than those of other brokers. As more than mere negotiator is often responsible for the possession of the securities with which he or she deals . Conversely ,an ordinary broker neither has title to ,no possession of ,property that is being purchased or sold .as stockbrokers serve in a greater capacity ,their responsibilities also extend beyond those of ordinary brokers.

A principle is not a broker.

Admin. Procedures acts (5u s a &551-706 supp 1993 governs the proceedings before federal agencies .

The fundamental (VIOLATION)challenge of admin.is designing a system of checks and balances that will minimize the risks of bureaucratic arbitrariness and overreaching ,while preserving for the agencies the flexibility that they need in order to act effectively . Admin. Law thus seeks to limit the powers and actions of agencies and to fix their place in

See Exhibits (redress) The Commission is Acting as Judge, Jury and prosecutor AGAINST my rights & DUE PROCESS OF LAW. 2

government must be kept separate ,that they must not delegate their responsibilities to bureaucratic ,and that the (FORMALITIES OF DUE PROCESS OF LAW MUST BE MET)

SEPARATION OF POWERS MANY OBSERVERS HAVE TAKEN THE POSITION THAT THE BASIC STRUCTURE OF ADMINISTRATIVE LAW IS AND unconstitutional violation OF THE PRINCIPLE OF SEPARATION OF POWER .

Under the separation of power each branch is independent ,has a separate function ,and may (NOT USURP FUNCTIONS OF ANOTHER BRANCH)

These proceedings are in direction violation of due process of law and interfering with a federal appellate case that the admin. Judge stated is related too.

Which relation has to do with claims in 2006 07 violating the statutes of limitations.

The government has harmed me with out following the exact course of the law ,this constitutes violations of due -process ,which offends against the rule of law.

See entick v Carrington

The government has violated my 4th amendment rights which extends to one words see Griswold v Connecticut (lord Camden's rulings)

The government admin. Proceedings and initial decision are in violation of due process based on the fact that theses false accusation which have not be proven by the admin. Judges own orders (see sec. v rappoport) certainly and affirmatively have caused damages (well over the value of 20 dollars) as in the seventh amendment and rights to a jury trail of peers.

See marksman v westview 517 us 370 116 s ct 1384 ,134 l ed 2d 577 (1996)

See chauffers, teamsters and helpers ,local no. 391 v terry 596 ,60 l ed 961 (1916)

See Minneapolis & St. Louis Railroad v. Bombolis, 241 U.S. 211, 36 S. Ct. 595, 60 L. Ed. 961 (1916)

Imperato demands payment for said damages filed prior and ignored (aggrieved person under 17 C.F.R., subpart (b) Equal Access to Justice Act 17 C.F.R. 201.31 (504) and 17 C.F.R. 201.32)

In addition the standard of review and burden of proof have not been met (see sec. v. First Financial Group) and let it be known that under the

Standard of judicial review as follows:

The APA requires that in order to set aside agency action not subject to formal trial-like procedures, the court must conclude that the regulation is arbitrary and capricious, and an abuse of discretion, or otherwise NOT IN ACCORDANCE WITH THE LAW. For these more formal actions, agency decisions MUST BE SUPPORTED BY (SUBSTANTIAL EVIDENCE) record which can be thousands of pages long.

The Commission has shown no evidence of IMPERATO acting as a broker. (substantial, arbitrary and capricious, or statutory)

See Citizens to Preserve Overton Park v. Volpe (401 U.S. 402)

See Motor Vehicle Manufacturers Association of the United States, Inc. v. State Farm Mutual Automobile Insurance

See Chevron USA, Inc. v. Natural Resources Defense Council (468 U.S. 1277)

This is a violation of Article III of the Constitution which reserves the judicial powers for actual courts. Accordingly, courts are strict under the SUBSTANTIAL EVIDENCE STANDARDS when agencies act LIKE COURTS because being strict courts final say, preventing the agencies from using judicial power in VIOLATION OF SEPARATION OF POWERS.

TYING ONE HANDS FROM MAKING A LIVING AS A CONSULTANT OR ADVISOR FOR LIFE IS ALSO A VIOLATION OF THE U.S. CODES OF INVOLUNTARY SERVITUDE. (see 18 U.S.C. & 1584)

THE GOVERNMENT IN THESE PROCEEDINGS HAVE VIOLATED
(JUS COMMUNE .)

AS IN THE BILLS OF RIGHTS, MAGNA CARTA , JUDICIARY ACTS ,
DUE PROCESS OF LAW AND THEIR OWN RULES , AND BURDEN
OF PROOF.

THIS I SETTING A BAD PRECEDENT FOR OUR ENTIRE FEDERAL
SYSTEM AND ENDANGERS THAT THE PEOPLE OF THIS GREAT
COUNTRY WILL HAVE NO MORE FAITH IN OUR JUDICIARY
FEDERAL SYSTEM AND COURTS .

Please withdraw /VACATE this bogus claims and reimburse me the damages
requested for fraudulent false claims against me when no evidence of any
sort has been produced nor the case in federal courts repugnant judgments
are valid evidences as well as the statues of limitations on a case started in
2006 and thes claims related to those person are past the statute of limitation
5 year limitations stating from the reasonable start date (05) (06)of the
investigation concerning said false claims that I acted as a broker.

1. Case laws cited are not valid based on the fact that they were not decided
on with any constitutional rights being violated.

2. Imperato due process has been denied and violated again in these
proceedings.

See hurtado v California (110 us 516 ,172)

See twining 211 at 101

See 1884 brown v new jersey 321 us 233

a. Imperato requested the name and address of the s called 26 persons he
alleging brokered /sold securities too.

(THE COURT CASE IS STATED THAT DEFENDANT DEFRAUDED 60
PERSONS AND HAS NOW CHARGED TO 26 WHICH IS BECAUSE
IMPERATO PIERCED THE VERY ESSENTIAL CLAIMS OF THE
COMMISSION IN THIS ONE CLAM NOT MENTION SO MANY
OTHER OF THEIR CLAIMS. THIS IS GROUNDS AND WAS GROUND
S FOR DISMISSAL . THAT'S WHY WE HAD NO EVIDENTIARY

HEARINGS OR TRIAL BECAUSE THEY COULD NEVER PROVE THEIR CASE IN COURT OF LAW WITH A JURY OF PEERS BECAUSE THEY HAVE NO CASE) Those names were never provide .

b. no evidence has been presented for any bar for life which is against the constitutional rights of IMPERATO being a consultant or advisor which has no bearing on offering of securities . This is to tie IMPERATO hs hands and take away his ability to protect the shareholders in recovery of their assets as well as his own.

c. Imperato demands the 26 names and addresses and witness statements from them as top the allegations Imperato acted a broker.(brokered them imperaili inc securities) when IMPERATO was a covered person and principle and never a stock broker ,associated with a stock broker nor a acted a s a stock brokerage firm.

Rare Reconsideration issues of material fact
And affirmative defenses

a. based on the fact that the sec. entered in to a settlement agreement as per attached dated . The administrative procedures are contrary to the signed agreement .

b. the civil case sec. imperiali at al was closed on per judge Ryskamp s order see attached order.

c. the summary judgment presented by the sec. subsequent to the settlement agreement and closure of the case was reopened by court error and all responses and findings by the non consented magistrate judge Hopkins should be null and void . An appeal is in process for these matters as well as violation of my constitutional rights which make those judgments repugnant to the us constitution and void.

d. the above disputed issues of fact are material to the case which should be addressed by this administration court proceedings and cannot be dismissed by collateral estoppels .

e. Imperato did not have the legal opportunity to litigate the issue ,did not have a chance for the due process of law required by the us constitution .

f. a company founder ,directors is a covered person and is not consider a

broker ,as well as the offering was blue skied in accordance with sec. And state laws.

G. Theses are grounds of material fact that should vacate these proceedings As well as the actions set forth in the allegations investigated in 2006 is past the statutes of limitation and failure to prosecute or have theses administrative proceedings at all.

3. Imperato has never been proven guilty of any charges concerning acting as a broker and demands that proof to be disclosed to IMPERATO or to dismiss this proceeding and vacate the initial decision .
Show me don't tell me.

a. the commission has fail the burden of proof as order by judge Elliot in his findings and has ignored judge Elliot's order.

See. Sec. v rappoprt

b. concerning standard and burden of proof the commission has not met standards by only submitting as evidence the unlawful judgments obtained in direct violation of the united states constitution and repugnant and void immediately as a matter of the laws of this land and the rulings of the supreme court brethren of the united states supreme court concerning upholding the oath of office when acting as a brethren in accordance with and defending the founding fathers foundation of this nations and it unisated states constitution ,bill of rights and the judiciary acts that were part of the oath of office to become and receive the privilege to serve this nation and our federal system.

Those standards have not been met .period. Imperato has no clue on what your commissions claims are concerning acting a s a broker for securities spo under the due process clause of the united states constitution please provide the evidence required by judge Elliot's orders and by the united states constitution .

Imperato will in do time after receipt of the names of the 26 have letters signed by those person that IMPERATO did not sell imperiali inc securities as a broker nor did he ver cold call them or act as the closer.....

SHOW ME NOT WITH THE FALSE WORDS OF THE MOUTH ,BUT WITH PHYSICAL HARD EVIDENCE IN ACCORDANCE WITH JUDGE ELLIOT'S OWN ORDER.

I DENIED ALL CLAIMS MADE AGAINST ME (DE) AND I DENY ALL OF THE CLAIMS ALLEGED IN THESE ADMIN. PROC. AND DESERVERS TO BE HEARD BY A JURY PF PEERS CONCERNING THE VIOLATIONS OF THE UNITED STATES CONSTITUTIONS BY MAN MADE LAWS OF THE COMMISSION BUT NOT BY ANY STANDARDS PF APPROVALS OF AN ACT PF CONGRESS TO VIOLATE THE UNITED STATES CONSTRUCTION AND THE FIFTH AMEND AS WELL AS OTHER S

(SEE ATTACHED REDRESS OF GRIEVANCE)

Judge Ryskamp was hood winked with false hoods.

These proceedings are predicated on a case were the us government violated my constitution rights all for a whistle blower who is a liar. For qualification as a qualified judgment #119

Imperato 30 days of notice of my intent to file suit if not overturned and vacated at once in accordance with the repugnant judgments that are by the law of the land void and to be invalid immediately .

This admin. Proc. Initial rulling is false and unjust as well as defaming and has caused fiancail damges to imperato.

Let me make it clear as day with facts and genuine material evidence of disputet calims.

1. The comssion started their ivestagation end 2005 -2006 . (see exhibit A list of investors)this claims of acting as a broker is not only bogus ,false and unjustified .the commssion has provide 00000 evidence of imperato ever being paid as a broker nor acting as a broker or selling unregistered securities.

See Janus Capital Group v First Derivative Traders 131 S. Ct. 2296 (June 13, 2011).

See Marc Gabelli v SEC.

See SEC v First Financial Group

2. Imperato also has provided in the federal court and the appeals court as well as to the Commission copies of letters from at least 30 shareholders of record that are part of the 26 investors on exhibit A (filed de 116 vol I ap 13-1) which the federal case is based on. These letters clearly state that Imperato did not initially contact those persons or sell them any securities others covered person did so, and if we have evidentiary hearings properly instead of violation of my constitutional rights and if the Commission took the time to review the evidence it would hit them square in the face.

Letter filed de 184 exhibits ap 16-27

Filed vol. I de 116 exhibits ap 16-27

Birks list de 116 ap 14 Birks charged with same violation in double jeopardy ap 15 2001 Admin. Proc.

Gryphon contract de 22 exhibit f and g letters.

This is physical proof I did not cold call and sell shares to the exhibit A falsely accused and claimed by the SEC. bogus complaint.

I did not act as a broker.

Additionally 15 other investors from the same exhibit A were written letters from Fred Birks at Gryphon Investments and copies of the letters and the contact with Gryphon was and is filed with the court.

3. This Admin. Hearing is directly related to the same case in federal court or affiliated as the Judge stated. The Admin. Proc. Should have been ordered back in 2007 with a cease and desist.

a. This is obstruction of justice and has once again violated my 4th

amendment rights of unreasonable search and seizure by having to file and file the same evidence over and over because the deliberate inadequacy and non interest by the commission to rail road me is evident and will be heard by a jury of peers soon enough in federal court.

4. The commission failed to prosecute and these claims are the same in nature as the federal case which was filed [ast the states of limitastions and exfact laws used with srbanes oakly agasint imperato who was not the responsible party to trhe sec. nor didwas he the ultimate party to write and distrubue any documents prwess releases or other of the company.

5. The companies private palcement was blue skied and paid for and review by company lawyers laura anthony evidenced by her itemized bills.

6. The company then listed on mergent undtrial for blanket blue skies ,so the cliams made of unregistared securities ois false .

7. IMPERATO never earned a comission and never acted a a broker when he was founder and principle for over 18 years of good standing with over 400 shareholders and reviews by the comsssion.

*****Imperato did not act as a broker in any state and was not the scienter of any thing.

See opinion of justice mc kenna sup.ct in 1917

See hail v geiger-jones co. 242 us 539 (1917)

Motion for full court review

Dear Elizabeth M. Murphy Secretary ,

Summary

The admin. Proc. Noticed of November. 27th 2103 clearly states that I would have a chance to prove my innocence and would has a jury like public hearing so that I could present my hard copy evidences that are voluminous to a jury like trail in front of the admin. Law. Judge.

a. to date no jury like trial has been held further denying me the due process

of law required under the united states constitutional.

1. IMPERATO did not act as a broker first of all the securities offered by others were not offered by Imperato and IMPERATO as an owner and officer allows him to sell his private placement as a matter of law. IMPERATO did not the companies private placement. Dan mangru ,Fred birks ,Kyle hauser and other officers and directors were responsible for the sales and were cover persons and licensed stock broker fully aware of their licensing laws and private placements laws were IMPERATO has no knowledge of such laws and relied on the management and the lawyers and accountants.

2. The letters described in your initial ruling as usual(same as the court case just disregarded) just casually stated IMPERATO filed some documents (documents are genuine material factual evidence of disputed claims)when in fact those documents are letters proving IMPERATO did not call the se 26 persons as well as written communication for the same and sub documents for the ppm that was exempt and blue skies with paid bills to lawyers for blue skies and for preparation and review of the ppm.

***Offered by other covered personal in 2006 and early 2007 before any assets false accused phony assets were placed on the foot notes to the balance sheets ,and then corrected and re stated by IMPERATO after skies theft and imprisonment and fbi investigation.

3. The statute of limitation begins when the investigation began in late 2005 early 2006 stated by the commission and seen on exhibit A investors list. Only Evidence submitted

4. Since this admin. Hearing as stated by the judge is related to the appellate case then the time has run out for the statues and no evidence other then the courts enjoiment judgment repugnant is the only evidence which is not enough for burden of proof of 10 b

15 b because they were ordered by Ryskamp unlawfully with false statements made under oath to the judge and the court by mc cole esq. and continue by other consul now representing this case at appeals and in admin. Proc.

See Hurtado v California.

b. the decision clearly violates my constitutional 1st amendment rights and ties my hands in involuntary servitude for the rest of my life taking away my freedom to be a consultant and adviser to any type of star up company with aspirations of becoming public .

See (MAN MADE rules cannot Bar some one For life)

Summary disposition standard

c. the decision fails to disclose or provide any evidence pertaining to order and demands made by judge Elliot of the severity of the repugnant judgments against

See sec v Rapoport

d. the decision fails (error) to recognize the factual hard core physical evidence of genuine material factual disputed claims backed up with evidence which makes the decision and the commission entitled to a summary disposition the same as the courts summary judgments that they were not entitled to when in fact a settlement agreement (case closed) was signed and reached and then voided by the commission with false claims that I never gave them financial statements which were all filed with the court.

Finding of fact

1. The complaint stated I sold un reg. Securities to 60 persons (between 2006 and July of 2007) Then was changed to 26 persons of which still to date have not been identified by the commission as to which 26 persons with in their exhibit A .

a. the company did not have these alleged false assets on their balance sheets ,in fact the aug 31 st sb filings were submitted to prove such as well as that filing was e signed by brad hacker the new cfo ,account cpa not IMPERATO.

Hacker violated e signature rules (edgar has whole stated in wells statements)and could not provide a document that I allowed him to use my signature because it does not exist I never signed such authorization.

2. The company imperiali paid its lawyer Laura Anthony esq. to blue sky the placement document she prepared and reviewed evidenced by her itemized copies pf her bills to the company which have been submitted to the court.

(See your own statement concerning legal bills submitted in response)

a. the company person responsible to the sec. Charles Fiscina (put him on the witness stand)admitted that he error concerning his filings in front of witnesses which would have been called on if my constitutional rights were violated by taken away my jury trial of peers.

See de 20 , exhibits 124 ,125 126. de 22 exhibits s- x

b. Charles fiscina took over in late 2006 and further the blue skies filings by engaging and becoming a client of merchant services which is a blanket blue skies registration of offerings .

c. charles fiscina settled the case with the commission in 2011. 6 months before I was served a complaint.

The settlement with fiscina dated ..(sept 20th 011 de 11) Of which I was supposing a party too but was never noticed of any settlement until the service of the compliant(jan 9th 012) which shows the signed notarized dates that fiscina settled the case.

See Mergent. Industrial listings (blue skie s 38 states)

d. Mergent was contracted on 10 /11 /06 when IMPERATO removed him self under the direction of Charles fiscina and dan

mangru as a director not to have a conflict because presidential run.

e. IMPERATO s passport and third party witness staff ,can prove that he was never in the offices of imperaili as well as testimonies from lillian Rodriguez and others .

See ballard v hunter (204 us 241)

See cary v piphus 435 us 247

See miliane v central Hanover trust co. see Richards v Jefferson county.

Dan mangru and charlse fiscina and others need to deposed and questioned under oath in front of a jury.

See *Sec. cuban 634 f supp.2nd 713p.4*

Egan Jones rating co. v sec.

spencer e Brasch ,admin,

proc. file # 3-14891)

3. The factual evidence that there was in fact a private placement and it was blue skied is factual.

4. The persons responsible and covered whom sold the securities were lisc. Securities dealers and officers of the company not Imperato.

a. the letters signed form over 30 investors and the original letters to another 15 persona out of the exhibit a clearing show that Daniel IMPERATO did not cold call those persons that is hard fact.

5. The commission used the courts (Ryskamps rulings as evidence and

made this decision based on said rulings.

a. the court judgments were ordered and are repugnant to the united states constitution as well as the recommendation reports of a partial final order by a non consented magistrate .

The commission cant provide a consent form required by court procedures and judiciary acts . To authorized a final partial summary judgment ordered by a magistrate.

b. the case laws used in this proceedings are in valid based on the fact that the 45 persons have proven that IMPERATO did not sell them securities and the blue skies registration with mergent (blanket blue skies 38 states contracted by imperiali Charlse Fiscina)and laura Anthony's payments for blues skies (exhibits layers itemized statements stated by Judge payment for blues skies)further negates the case laws as not valid .

Subpoena fiscina mangru chaplic hong mai and others . Prove your case of drop it. (Sec v rapport)

c. the case laws are not valid since evidence of the court case in appeal was used in this proceeding of which those court and appeal has not been determined as well as those entire court case is repugnant to the constitution making your admin. Hearing ruling the same.

6. The allegations of false press releases and false statements is unsubstantiated by the commission and false based on the factual genuine material physical evidences as well as the piercing of the essential element sof the entire admin. Proc. And court case.

a. the cable project was restarted and proven by (current)signed agreements with geodex in brazil and allcatel/lucent and was being re planned for service after 9 /11 and 11 million dollars invested in the projects world wide. And confirmed by sec. investigations by (see mike banyans sec. reports) in 2000. (sec.v cuban)

See de 20 exhibits 94 ,95

The project cost 1.5 bb with 8.5 bb rev. in 15 years

See Valuation de 20 exhibits 96

B . the press company I one connect distributed press in over 150 countries and the search engine has reciprocal links and over 30 countries with substantial traffic based on the public way back system and the way back reports submitted to this proc. Along with sworn affidavits from john kolby who rebuild the engine after eric skies and Kaiser himmel disaster of which IMPERATO was a victim of a crime and still recovered the company trying always to protect the shareholders as he has till today with insurance calims and cases in process with the federal court.

c. the search engine is in storage and the servers will be lit up soon enough so that the fbi and the courts can see a physical working search engine with 100 million pages indexed making the commission claims false and moot.

d. the press releases concerning imperaili are factual truth and the company was operating world wide and had subsidiaries and assets which have been and can be verified in front of the court in a jury trial of peers as well as in front of the adm. Proc jury trail like court that was state to be held and never held .

7. The commission fails to acknowledged their own internal conflict of interest when it comes to a BDC business development corporation and GAPP rules pertaining to the booking of assets .

a. IMPERATO restated the balance sheets and removed all assets after the eric skies and other theft of the company assets as well as the fbi confiscation of document and other assets of the company Kaiser himmell imperiali when eric skies took over control of the management in oct. and full control of the company stock in nov 19 . 2007 . Until late 2008 early 2009 when IMPERATO fought to get back his company .

See de 20 exhibit EE

b. IMPERATO asked at his request for wells interviews and the fbi s cooperation to recover .

c. The government never asked IMPERATO to take wells or cooperate with

the fbi. Imperato did it at his own request and that Brady material has now been used against him.

See *Brady 373 us 83 (1963)* brady v maryland
See sec. v cuban

8. The irs tax returns and reconciliation reports of the company and IMPERATO audited by both the irs and other accounts and auditors clearly shows the money trail and the disbursements of money . Imperato never earned million dollars personally.

This is false claims supported by irs audits.

a. mccole signed settlement agreement and change the amounts based on that evidence in front of magistrate Palermo and then denied that he ever has a settlement agreement and received a summery partial final judgment for a non consent magistrate with out evidentiary hearings.

b. settlement agreement (witnessed and notarized by the judge and the court) was to be approved by the commission 5 member board and until today no explanation or determination has been told to IMPERATO in fact he has been denied any answer or proof (denied by admin. Proc.) that any meetings and determinations took place with the 5 member board which is deception, fraud and intent plus perjury by mc ole at the settlement conference with judge Palermo.

See admin. Proc. Rsvp to respondent And dockets for settlement agreement

9. The case is rare that's fact so rare that it must be overturned and theses proceedings must be vacated because the case laws used in this admin. Proc. Are not relevant to this case because none of these cases were decided in violation of the united states constitution nor were they determined or ruled on with any citation or mention of the defendants constitutional rights being violated clearing seen in the dockets of the court case and merited by the united states constitution laws of the land of which the court and the judges have violated ignored and shall be held accountable for not upholding the us constitution of which they oath ed their office as judge and representative of the court to rule and up hold under path the constitution of the united

states of America which clearly was not done and almost reached a criminality and conspiracy by which totalitarian government agents conspired and denied my constitutional rights merited by the dockets.

See

I WAS NOT THE ULTIMATE DECISION MAKER NOR DISTRIBUTOR OR WRITER OF ANY PRESS RELEASES, EDGAR SEC. FILINGS OR ANY PRIVATE PLACEMENT DOCUMENTS DISTRIBUTED BY THE COMPANY OFFICIALS BY FEDERAL EXPRESS WITH RECEIPTS TO VERIFY THAT I NEVER SENT OUT THE COMPANIES PRIVATE PLACEMENT, NOR DID I DO ANY FINAL WRITINGS, OR VERSION OF ANY SEC. FILING OR PRIVATE OFFERING DOCUMENT.

SEE JANUS CAPITAL GROUP V FIRST DERIVATIVE TRADERS 131 S CT 2296 (JUNE 2011.)

IMPERATO CAN NOT BE HELD LIABLE FOR OTHERS ACTIONS BECAUSE HE WAS NOT THE ULTIMATE AUTHORITY.....

I was not the accountant or the auditors
See litigation explosion j acct sept 1984

I was not the scienter nor was I willfully and knowingly of the accounting procedures and sec filing done by Charles fiscina stated in his own words . Stay out of the reg. process I did before I will do it again no need for your input Mr. IMPERATO I will take care of it don't be bothered.

Scienter

Scienter burden of prove not met by the commission and no proof of knowing and willful intent is factual with a trial by jury of peers .

Striking the scienter efforts to criminal IMPERATO and over charge exuberantly penalties.

See alexander l bendar

See francine ritter

See omnibus reconciliation act of 1980

See 42 usc .1320

See us v krizak 7 f supp 2d 56,60 dc 1998
See 42 usc -publ.no 104 -191 us v butcher
See us v jain
See us v greber
See hanstester v shalala
See Edward brosky

10. Imperato has not been proven a scienter of any thing and was not a scienter in a mind set to ever defraud anyone and was only working to build a very successful world wide company that was shut down do to 9 /11 and then restarted which is not illegal .

The commissions false claims and this false admin. Proce. Has now taken the very food off the table and has violated my constitutional rights .
1st and amendments . 14th and 7th and 5th ,4th and others.

See Griswold v Connecticut

See Marchant v. Pennsylvania (153 us 380)
See Hagar v reclamation (111 us 701)

Since I have been barred for life and my hands are tied to be a n advisor or consultant to any public company which is directly destroying my income ,reputation and the abilities for the shareholders to ever receive their well deserved rewards and recover their investments.

See

11. The commission has now also interfered with the insurance claims and policies by stating we had no ins. (see case # 14 cv80586 & 914cv80323) when in fact we did and their false fraudulent statements and repugnant judgments may in fact negate the insurance further damages the very public interest.(the commissions evidenced stated(insurance NONE) false

a. This is a disgrace to the country and false in nature as well as against the principles of our founding fathers and certainly setting of bad precedence and showing our county and our citizens that the commission has no regard for the fundament alienable rights an the foundation n of our great nations constitution ,bill of rights and the judiciary acts an most other procedural

rules and court procedures that have been and are in violation of my rights seen and evidenced in the dockets of the case supported by genuine material factual evidence of disputed facts piercing the very essential of this case from day one and since the year 2000 when I was accused of the same false claims .

To prove a scienter of fraud is the responsibility of the commissions burden of proof which they have not established and have no evidence of such .

12. Why would I being trying to recover a company which was defrauded by skies and stolen from as well as file insurance claims (case # S)to receive funds for the investors if I was in a mind set to willful and knowing to defraud.

a. the commission blatant disregard of fair and just proceedings an violation of my constitutional rights is the commissions negligence and responsibility for the loss of the shareholder investments and my reputation.

13. Please take this a a 30 day notice of intent to file a law suit in supreme court ,federal court ,circuit or international court of hagge against all parties concerned who have conspired against me and have taken awa y my constitutional rights.

PRAYER FOR RELIEF

THE DEFENDANT RESPECTFULLY REQUEST DENIAL OF ANY SUMMARY JUDGMENT AND REVERSAL OF ALL JUDGMENTS AS A MATTER OF LAW . THE DEFENDANT IS INNOCENT UNTIL PROVEN GUILTY IN FRONT OF A TRAIL BY JURY AS A MATTER OF LAW AND HE WAS DENIED .THESE JUDGMENTS ARE REPUGNANT TO THE UNTIED STATES CONSTITUTION AND SHALL BE VOID IN ACCORDANCE WITH THE SUPREME COURT RULES AND CONSTITUTIONAL LAWS. THE RESPONDENT PRAYS TO THIS COURT AND

Judge Elliot to use his wisdom and knowledge of intellectual property and telecommunications infrastructure as well as matter of law , too delver a decision that is in complaint with the rules ,laws and court procedures as well as to protect the integrity of the court and the member board s oversight and to show the fairness rule and equal justice acts are followed by the commission and this court proceedings by denying the use of abuse of power and reversing all judgments(acting as a broker) as a matter of law and principle that meets the standards of the brethren of this court proceedings and our founding fathers of the united states constitution set fourth and agreed to by this court and all its Judges.

Affidavit

My name is Daniel IMPERATO , I prepare this document [REDACTED]

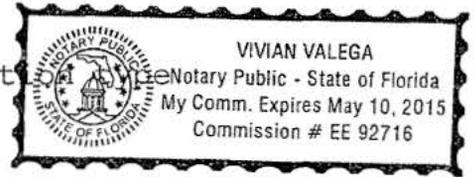
I as best I could recollect and that I declare that to the best of my knowledge and belief, that the statements made in this document are true ,correct and complete.

State of Florida
Palm beach county

Sworn to and subscribed before me the undersigned notary public ,this 22nd day of July . 2014
My commission expires 5/10/15

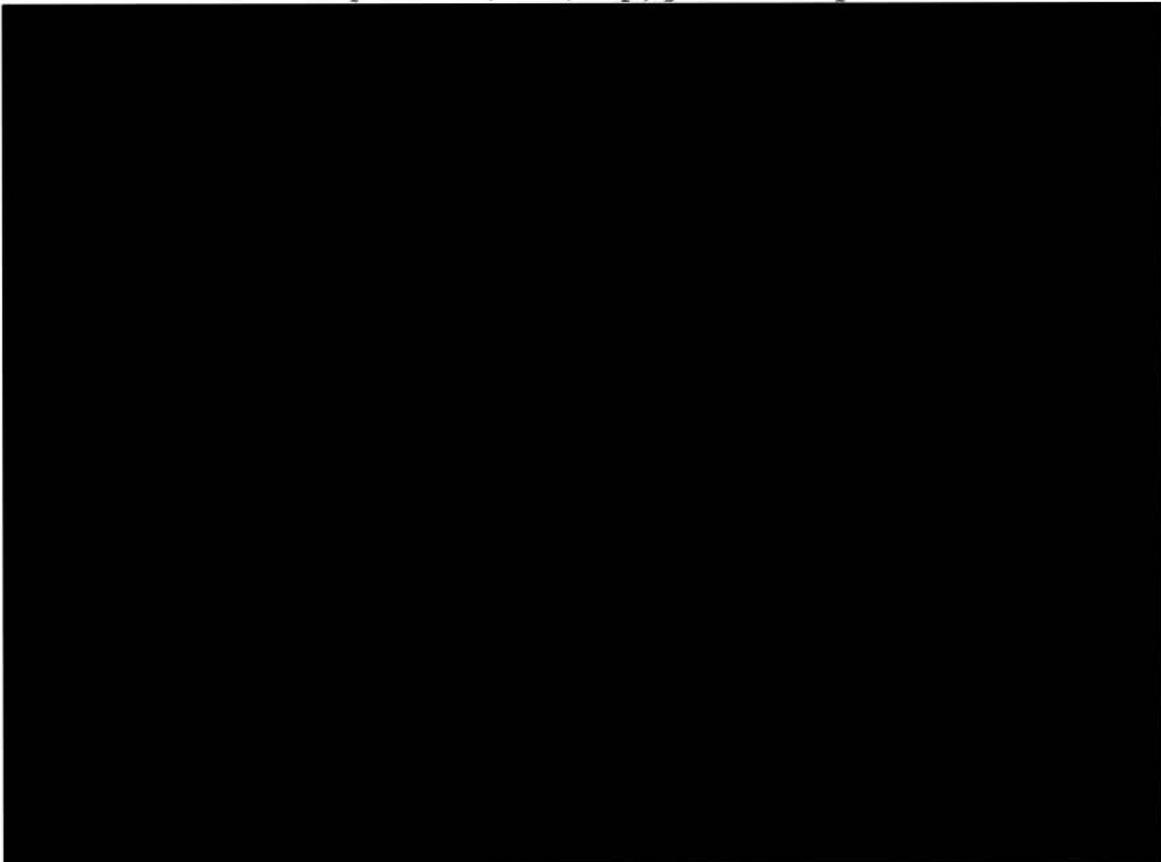
_____ personally known ✓ produces identification
produced Florida Driver's License

Vivian Valega
Notary public



Document prepared by _____ July 22th /2014

Dr. Fr. Daniel Imperato , km,ssp,gm &ob pro se



[Handwritten mark]

Indexes Part II

EXHIBIT

Petition for a redress of grievance

1. Being a citizen of the united states of America and the state of Florida ,I do petition the southern district court of Florida and the us securities exchange commission in accordance with article 1 of the amendments of the constitution of these united states of America.
2. Article 1 of the amendments to the constitution of these united states of America , "congress shall make no law respecting an establishment of religion, or prohibiting, the free exercise there of ; or abridging the freedom of speech ,and to petition the government for a redress.
3. as a citizen of these united states of America and the state of Florida, I petition that I should be granted the rights as set forth in article 1 ,section 9; clause 2 of the constitution of united states of America; article VI, section 2 ,clause I of the amendments to the constitution of the united states of America article v of the amendments to the constitution of the united states of America; article vi of the amendments of the constitution of the united states of America ;article VII of the amendments of the constitution of the united states of America; article VIII of the amendment of the constitution of the united states; and article XIV of the amendments of the constitution of the united states of America.
4. Article 1 section 9, clause 2 of the constitution of the united states of America state," the privilege of the writ of habeas corpus shall not be suspended, unless when in cases of rebellion or invasion the public safety may require it.
5. Article IV, section 2 ,clause I of the constitution of the united states of America, states :the citizen of each state shall be entitled to all privileges and immunities of citizens of the several states"
6. Article I of the amendments to the constitution of the united states of America state," congress shall make no law respecting and establishment of religion, or prohibiting the free exercise there of ,or abridging the freedom of speech ,or of the press; or the right of the people peaceably to assemble, and to petition the government for redress of grievances."
7. Article V of the amendments to the united states of the



Pages # 1-21 # 1

united states of America state," no person shall be held to answer...nor be deprived of life ,liberty, on property article , with out due process of law..."

8. Article VI of the amendments of the constitution of the united states of America state, "in all criminal prosecution the accused shall enjoy the right to a speedy and public trail, by an impartial jury of the state and district where in the crime shall have been previously ascertained by law, and to be informed of the nature of the cause of the accusation :to be confronted with witnesses in against him; to have compulsory process fro obtaining witnesses in his favor, and to have the assistance of consul for his defense."

9. Article VIII of the amendments to the constitution of the united states of America states, "excessive bail shall not be required, no excessive fines imposed ,nor cruel and unusual punishments inflicted."

10. Article IX of the amendments to the constitution of the united states of America states, "the enumeration in the constitution of certain rights ,shall not be construed to deny or disparage other retained by the people."

11. Article X of the amendments to the constitution of the united states of America states," the powers not delegated to the united states by the constitution ,nor prohibited by it to the states are reserved to the states of respectively ,or to the people."

12. Article XIII, section I of the amendments to the constitution of the united states of America states, neither slavery nor involuntary servitude ,except as a punishment for crimes were of the parts shall have been duly convicted shall exist within the united states ,or any place subject to their jurisdiction."

13. Article XIV, section I of the amendments to the constitution of the united states of America states,"... no state shall make or enforce any law which shall abridge the privileges of immunities of citizens of the united states; nor shall any state deprive any person of life ,liberty ,or property ,with out due process of law, no deny to any person with in its jurisdiction the equal protection of the laws.:

14. It is herby petitioned for a redress of grievance in the most humble terms ,using the very words in my petition from the declaration of independence ,the constitution of the united states of America ,and the amendments there to, and

the interpretation of the constitution of the united states of America by some of the most honorable justices to ever sit on the supreme court of the united states of America."

15. It is hereby petitioned that on the 17th day of October 2013, I filed a petition for a redress of grievance with the united states southern district court of Florida requesting that court to restore my constitutional rights from involuntary servitude.;

16 . I hereby petition that on October, 17th 2013 ,I petitioned the united states southern district court and the united states securities exchange commission requesting them to restore my constitutional rights and take any and all legal action in order to restore my liberty from involuntary servitude.

17. It is here by petitioned that I petitioned the united states southern district of Florida and the securities exchange commission on this 17th day of October 2013 asking the court and the commission to restore my constitutional rights relieving me and my family from involuntary servitude or issues a writ of habeas corpus in the form of a united states law or an amendment to the constitution of the united states of America stating that I do not have the constitutional rights of freedom of choice.

18 .it is hereby petitioned that I petition us attorney general holder on this 17th day of October 2013 ,requesting them as attorney generals to restore my constitutional rights relieving me and my family from involuntary servitude or issue a writ of habeas corpus in the form of a united states law or amendment to the constitution of the united states stating that I don't have the constitutional right of freed on choice. "

19.it is herby petitioned that the answers received have only resulted in repeated injury to me and my family , they have placed upon us oppressions and denied to us the right of liberty and the pursuit of happiness ,these rights being endorsed by the creator ,and stated on july 4th 1776 in the magna carta of the united states of America, the declaration of independence."

20. It is hereby petitioned that the 17th section of the judiciary act of 1789,c 20, enacts :that all the said courts shall have the power to make and establish all necessary rules for the orderly conducting of business in the said courts, provided such rules are not repugnant to the laws of

the united states : .. That this court and the commission will not act with repugnance to the laws of the united states as we the united states district court ,southern district of Florida and the securities exchange commission .

21. It is here by petitioned that this petition for a redress of grievance is petitioned in the most humble terms in hopes that this court and the securities exchange commission will not act out of prejudice ,but will unite to uphold The declaration of independence and the constitution of the united states of America.

22. It is hereby petitioned that throughout the history of this world ,men and nations have made laws to govern people...some for the benefit of the rulers ,some for the benefit of the people .. But when our founding fathers created the constitution of the united states of America ,it became the supreme law of this land, thus nullifying British Law, napoleon law and roman law in America. The only law that It did not nullify was law written by the hands of the creator HIMSELF ,for our forefathers incorporated HIS law in the constitution of the united states of America and the amendments to the constitution of united states of America.

23. It is hereby petitioned that if this is to be a more perfect union ,to establish justice, to insure domestic tranquility ,to provide for the common defense ,to promote the general welfare ,and to secure the blessings of liberty to ourselves and our posterity, that this court will act and render a just ruling on this humble petition for a redress of grievance."

24. It is hereby petitioned that in no time in the court history of this nation has the supreme court been called on by a citizen in the form of redress of grievance to restore hs liberty that has been taken away by and inferior federal court of this court :at no time in the history of this nation have the justices of the supreme court refused to allow a citizen his day in the court :at no time in the history of this nation have the justices of the supreme court refused a citizen because of his financial standings ,his liberty ;at no time in the history of this nation have the justices of the supreme court refused to uphold the constitution of the united states of America ;therefore , it is under the constitution and the declaration of independence and the will of ALMIGHTY GOD backing theses two documents that this court to attempt to define liberty with out saying that it is not the freedom of choice that the citizens of this great nation desire.

25. it is hereby petitioned that the constitution of the united states of America says that the writ of habeas corpus shall not be suspended in article I , section 9 , clause II of the constitution of the united states of America.

26. It is hereby summonsed that this court issue a writ of habeas corpus in the form of law or and amendment to the constitution of the united states of America in accordance with the article I , section 8 clause 18, article ,v and I and article VI , clause 2 stating I do not have the right of "freedom of choice: as set forth in article IV , section 2, clause I of the constitution of the united states of America.

27. it is hereby petitioned that the writ of habeas corpus has never been denied by the supreme court even when the president of the united states suspended it in 1861: chief justice Taney upheld article I, section 9 clause 2 of the united states constitution of America under the view that only congress could suspend the writ.

28. it is hereby petitioned that this court held under article IV of the constitution of the united states of America in its decisions in the slaughter house clause, 16 wall, 36, 1873, that "another privilege of a citizen of the united states is to demand the care and the protection of the federal government over his , life liberty and property ..." and that if this court up holds this part of that decision , then it will grant me the right of :freedom of choice:, since that rights is not repugnant to the laws of the united states of America in accordance with article I , section ,8 , cause 18 of the constitution of the united states of America.

29. It Is hereby petitioned and herein summonsed that this court issue a writ of habeas corpus to the securities exchange commission , and the united states district court southern division of the district of Florida to produce a constitutional amendment in accordance with article V , clause I of the constitution of the united states of America nullifying article IV , section 2 , clause I of the constitution of the united states of America.

30. It Is hereby petitioned and herein summonsed that this court issue a writ of habeas corpus in form of an amendment to the constitution of the united states of America nullifying article IV , section 2, clause I of the constitution of the united states.

31. It is hereby petitioned that this court shall comply

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With the 17th section of the judiciary act of 1789 in the aforementioned request fro a writ of habeas corpus.

32. It is hereby petitioned that this court uphold this grievance so that the American people will know that America is the land of the free and not a police state ,for life in a police state is a suffocating experience . "grievance that are aired do not become as virulent as grievances that are suppressed or driven under ground." only totalitarian governments dare not allow redress of grievances to be heard in their courts ,and this is the reason that totalitarian governments do not long endure."

33. It is hereby petitioned that on the 25th day of September ,1789 that congress agreed and proposed the bill of rights which included the provisions granting all Americans the right to petition the government for a redress of grievance and also ,guarenteed that congress could not make any laws abridging the right of a citizen to petition the government for a redress of grievances, in the words of Alexander Hamilton ,in the federalist (no 84) ,for why declare that things shall not be done which there is no power to do ? Why for instance ,should it be said that the liberty of the press shall not be restrained when no power is given by which restrictions may be imposed ?" then this court is exercising powers not granted to them in the constitution of the united states of America.

34. It is hereby petitioned ..that "the explosive events behind the October fourteenth resolution of the first continental congress ,...as the fat that the colonists were not allowed the liberty to petition . Two grievances cited are as follows ," that the colonies are entitled to the common law of England ,and more especially ,to the great and inestimable privilege of being tried by their peers of the right peacefully to assemble ,consideration of their grievance ,and petition the king ; and that's all prosecutions prohibitory proclamations ,and commitments for the same are illegal. "

35.Its hereby petitioned that I am being treated as William Bradford on the 12th day of February ,1693, and have been held in involuntary servitude by the united states district court, southern district of Florida, since that court order of Fredrick Allen , timothy Allen , minors ,etc. , at all v. the board of public instruction of Broward county . Quoting (November 21st) " ye have never let me have a copy of my presentment , nor will ye now let me know what law ya prosecute upon.

36. It is hereby petitioned and herein summonsed that this court issue a writ of habeas corpus to the justice department of the united states and the united states district court ,southern district of Florida to produce a constitutional amendment in accordance with article v , clause I of the constitution of the united states of America nullifying article I of the amendments to the constitution of the united states of America.

37. It is hereby petitioned and herein summonsed that this court issue a writ of habeas corpus in the form of an amendment to the constitution of the united states of America in accordance with article V section I of the amendments to the constitution of the united states of America or accept this grievance.

38. It is hereby petitioned that the court issued by the united states district court ,southern district of Florida placing me and my family ,in involuntary servitude is repugnant to the article v of the amendments to the constitution of the united states of America which states , "no person shall be held to answer ... nor be deprived of life ,liberty ,or property ,with out due process of law.

39. It is hereby petitioned that the court order by united states district court ,southern district of Florida is not a law in accordance with the definition of law in the supreme court ruling -- hurtado v California 119 ,u.s. 516 4 th ,ct 111,28,1 ed,232 (1884). This ruling is quoted ; "it is not every act,; legislative in form , that is law. Law is something more than a mere will exerted as an act of power. It must be not a special rule for a particular person ,or a particular case ,but in the language of Mr. Webster ,in his familiar definitions , "the general law ,a law which has before it condemns which proceeds upon inquiry ,and renders judgment only after trial, : so that every citizen shall hold his life, liberty ,property and immunities ,under the protection of the general rules which govern society .and thus excluding ,as not due process of law , and penalties ,acts of attainer, bills of pain and penalties ,acts of confiscation, acts of reversing judgments ,and other special ,partial and arbitrary power ,enforcing its edicts to the injury of the persons and the property of its subjects ,is no law, weather manifested as the decree of a personal monarch or of an impersonal multitude . And the limitations imposed by our constitutional law upon the action of the government ,both state and national ,and essential to the preservation of public and private rights ,not withstanding the representative character of our political institutions. The enforcement of theses limitations by judicial process is

the devise of self governing communities to protect the rights of individuals and minorities ,as well against the power of numbers ; as against the violence of public agents transcending the .limits of lawful; authority ,even when acting in the name and wielding the force of the government. It follows that any legal proceedings enforced by public authority ,weather sanctioned by age and custom, or newly devised in the discretion of the legislative power ,in furtherance of tie of general public good, which regards and preserves these principles of liberty and justice ,must be held to be due process of law."

40. The above court order does not stand for liberty and justice ,as defined in the dictionaries of this country ,to wit:

1. Webster's sevent new collegiate dictionary ,copy right 1963, defines liberty as .1 :the quality or state of being free: a. the power to do so as one pleases , b freedom from physical restraint , c freedom from various social ,political ,por economic rights and privileges . E the power of choice."

2. The American heritage dictionary of English language ,copy right 1970, defines liberty as . 1 a. the condition of being not subject to restriction or control. B. the right to act in a manner of ones choosing. 2 " the states of not being in confinement or servitude."

3. Webster's new twentieth century dictionary . Copy right 1957, defines liberty as . 1 freedom or release from slavery ,imprisonment ,captivity ,or any other form of arbitrary control. 2 the sum of rights and exemptions possessed in common by the people of a community ,state.

41 . It is hereby petitioned that in Webster's dictionary ,the word liberty also is defined as privilege , 2 a: a right or immunity enjoyed by prescription or by grant : privilege b :permission esp. to go freely within specified limits ", the above limits were set down by the supreme court of the united states of America in the slaughter - house cases by the supreme court ,which states ,:... to give definitions of citizenship of the united states ,and citizenship of the states ; that the privileges and it is recognized the distinction between citizenship of state and citizen ship, of the united states by those definitions :that the privilege and immunities of citizens of the states by embrace generally those fundamental civil rights for the security and establishment of which organized

society was instituted ,and which remain, with certain exceptions mentioned in the federal constitution, under the care of the united states government : while the privileges and immunities of citizens of the united states are those which arise out of the nature and essential character of the national government, the provisions of its constitution ,or its laws and treaties made in pursuance thereof :and that it is the latter which are placed under the protection of the congress by the second clause of the fourteenth amendment"

42. It is hereby petitioned that the court order issued by the southern district court ,southern district of Florida is the most flagrant use of arbitrary power enforcing its edicts on the person of me and my family and is not , "a law which hears before it condemns ,which proceeds inquiry and renders judgment only after trial ." but is an act of a totalitarian government for it does not support the principle of liberty and justice ."

43. It is hereby petitioned and herein summonsed that this court issue a writ of habeas corpus in the form of an amendment to the constitution of the untied states of America in accordance with article I ,section 8 , clause 18, and article V ,clause I of the constitution of the united states of America that will deprive me and my family of our liberty and with out due process of law, and holds me and my family to answer for violations of the due process of law clause of the fourteenth amendment which this court held to be unconstitutional in brown v . board of education, 347 us 483, 487,98 L . ed . 873 877,74 s. ct. 686,38alr2d 1180)(brown I) , which was committed by the state of Florida and the board of public instruction of broward county .

44. it is hereby petitioned that united states district court, southern district of Florida has placed me and my family in involuntary servitude do to my financial condition of having to chooses between a private school and a public school , and that because I chose a public school, and that because I chose about a public of which the administrators admitted the they were not complying with this courts decision in brown I . the united states district court, southern district have denied to me the right of article VI of the constitution of the united states of America and the right that this court ordered to be allowed in brown II . (brown v .board of education 349 us 294, 300- 301 , 99 L. Ed . 10183 , 1106,75 S. Ct. 753) that right being the implementation of the governing of constitutional principles.

45. It is hereby petitioned that article VI of the amendment

s of the united states constitution southern district and the securities exchange commission , has place my family involuntary servitude for a civil offense committed by others and is not constitutional or in accordance with the seventh section of the judiciary act of 1789.

46. It hereby partitioned and herein summonsed that this court issue a writ of habeas corpus to the justice department of the united states and the united states district court southern district of Florida to produce a constitutional amendment in accordance with article v , clause I of the us constitution of the united states of America nullifying article VI & VII of the amendments to the constitution of the united states of America.

47. It is hereby petitioned and herein summonsed that this court issue a writ of habeas corpus in the form of an amendment to the constitution of the united states of America nullifying article VI & VII of the amendments to the constitution of the united states of America.

48. It is hereby petitioned that the united states district court of the southern district of Florida and the securities exchange commission has inflicted upon me and my family cruel and unusual punishment in direct violation of article VIII of the amendment of the constitution of the united states of America , that punishment being loss of my constitutional right of freedom of choice as guaranteed by article IV , section 2 , clause I of the constitution of united states constitution irregardless of financial condition.

49. It is hereby petitioned and summonsed that this court issues a writ of habeas corpus to the securities exchange commission of the united states of America for the united states district court Sothern district of Florida to produce a constitutional amendment in accordance with article V , clause I of the constitution of the united states of America in accordance with article VIII of the amendments of to the constitution of the united states of America

50. It is hereby petitioned herein summonsed that this court issue a writ of habeas corpus in the form and amendment to the constitution of the united states of America in accordance with article V , clause I , of the constitution of the united stets of America nullifying article VIII of the amendments to the constitution of the united states of America.

51. It is hereby petitioned that this court article IX of the amendments to the constitution of the united states of America in as much as congress has not passed a law in accordance with article I ,sec.8 , clause 18 of the constitution of the united states of America, and article V ,clause I of the constitution of the united states of America , to deny me and my family the right of freedom of choice as to what public choose my child shall attend and in which this court upheld in the united states workers v. mitchell,330 ,u.s. 75 ,94-96, 99 (1947).

52.It is hereby petitioned and summonsed that this court issues a writ of habeas corpus to the securities exchange commission of the united states of America for the united states district court Southern district of Florida to produce a constitutional amendment in accordance with article V ,clause I of the constitution of the united states of America in accordance with article VIII of the amendments of to the constitution of the united states of America nullifying article IX of the amendments to the constitution of the united states of America.

53. It is hereby petitioned and here in summonsed that this court issue a writ of habeas corpus in the form of an amendment to the constitution of the united states of America in accordance with article v, clause I of the constitution of the united states of America nullifying article ix of the amendments to the constitution of the united states of America or uphold article ix in regards to this petition and the courts ruling in the united public workers v Mitchell 330 u.s. 75, 94-96,99 (1947)

54. It is hereby petitioned that no power has been delegated to the united states government or the securities exchange commission by the constitution of the united states of America to deprive me and my family of :freedom of choice" or to place us in involuntary servitude ,with out the united states government and the securities exchange commission compiling with article I section 9 . Clause 2, of the united states of America article I section IV ,section 2 clause I of the constitution of the united states of America : article I of thee amendments to the constitution of the united states of America ; article V of the constitution of the united states of America :article VI & articles VII of the amendments to the constitution of the united states of America :article VIII of the amendments to the constitution of the united states of America, and article IX of the amendments to the constitution of the united states of

America.

55. It is hereby petitioned that the power of "freedom of choice "is the power granted to me and my family by the constitution of the united states of America in accordance with article IV ,section 2, clause X of the amendments to the constitution of the united states of America.

56. It is hereby petitioned and here in summonsed that this court issues a writ of habeas corpus to the securities exchange commission of the united states of America ,and the united states district court ,southern district of Florida to produce to produce a constitutional amendment in accordance with article V ,clause I of the constitution of the united states of America in accordance with article X of the amendments of to the constitution of the united states of America.

57 .It is hereby petitioned and summonsed that this court issues a writ of habeas corpus in the form and amendment to the constitution of the united states of America in accordance with article V ,clause I ,of the constitution of the united state s of America nullifying article X of the amendments to the constitution of the united states of America.

58 .It is hereby petitioned that the power of not being placed in involuntary servitude is granted to me under article XIII of the amendments to the constitution of the united states of America.

59. It is hereby petitioned that the united states district court of the southern district of Florida, power of not being placed me in involuntary servitude by the arbitrary power in direct violation of the thirteenth amendment to the constitution of the united states of America.

60.It is hereby petitioned that the court has deprive me and my family of liberty and subjected me and my family to slavery as defined in the dictionaries of this country, to-wit:

1. Webster's seventh new collegiate dictionary ,copy right 1963, defines slavery as .2 :the submission to a dominating influence " subservience ."

2. The American heritage dictionary of English language ,copy right 1970, defines slavery as . 3 a. the condition of being or addicted to a specified influence.:

3. Webster's new twentieth century dictionary . Copy right 1957, defines slavery as . 3. A condition of submission to our domination by some influence, habit ect.;

61. It is hereby petitioned that the court has deprived me and my family of involuntary servitude as defined in the dictionaries of this country ,to wit;

1. Webster's seventh new collegiate dictionary ,copy right 1963, defines servitude as .1; the subjection to another that constitutes or resembles slavery or serdom 2; aright by which something (as a piece of land) owned by one person is subject to specified use or enjoyment by another syn, servitude ,slavery ,bondage mean the state of being subject to a master . Servitude mean is chiefly rhetorical and imprecise in use;it implies in general lack or liberty to do as one pleases ,specifically lack of freedom to determines ones course of action and conditions of living slavery implies subjection to a master who owns ones person and may treat one as property :bondage implies a state of being bound in law or by physical restraint to a states of complete subjection to the will of another.;

2. The American heritage dictionary of English language ,copy right 1970, defines slavery . Synonyms : servitude, bondage ,slavery. These nouns state a condition of being involuntary under the power of another . Servitude sometimes refers broadly to the absence of liberty but generally implies involuntary service. : bondage emphasis's being bound to service of another with virtually no hope of freedom. Less literally ,slavery and bondage can refer to subjection to any person ,economic system ,or vice.;

3. Webster's new twentieth century dictionary . Copy right 1957, defines servitude as . 1 the state of involuntary subjection to a master ;slavery ;bondage . 2.; a state of mental submission or subordination; a slavish dependence ; servility."

62. quoting justice field in his concurring in part and dissenting in part ; statement during the WONG WING , LEE POY ,LEE YON TONG,and CHAN WAH DONG,appts .,v united states ,.case 'in 2 story ,const.1924,it is said that this amendment "forbids , not merely the slavery heretofore known to our laws , but all kinds of involuntary servitude not imposed in punishment for a public offense." applying this reasoning to the united states district court , southern district of Florida ,the state of Florida and the board of public instruction of Broward county laws , it must be

concluded that the above united states district court , southern district of Florida's court order discriminates against me and my family for financial reasons and therefore must be unconstitutional .

63.It is hereby petitioned and summonsed that this court issues a writ of habeas corpus to the securities exchange commission of the united states of America for the united states district court Sothern district of Florida to produce a constitutional amendment in accordance with article V , clause I of the constitution of the united states of America in accordance with article V, clause I, of the constitution of the united states of America nullifying article XIII of the amendments to the constitution of the united states of America.

64.It is hereby petitioned and summonsed that this court issues a writ of habeas corpus in the form and amendment to the constitution of the united states of America in accordance with article V , clause I , of the constitution of the united state s of America nullifying article XIII of the amendments to the constitution of the united states of America.

65. it is hereby petitioned that this court held in brown I and brown II that dual but equal school systems did not comply with the due process clause of the fourteenth amendment , to the constitution of the united states of America.

66. it is hereby petitioned that if the dual but equal school system was set up according to race and that this does not comply with the due process clause of the fourteenth amendment , then any system set up according to race does not comply with this clause.

67. It is hereby petitioned that the united states district court , southern district of Florida not only establishes districts by race but discriminate against all races through the use arbitrary power in direct violation of the constitution of the united states of America has heretofore mentioned.

68. It is hereby petitioned and here in summonsed that the court issue a writ of habeas corpus to the justice department of the united states , the united states courts of appeals for the fifth district and the united states district court, southern district of Florida to produce a constitutional amendment in accordance with article V clause I of the constitution of the united states of America

nullifying XIV of the amendments to the constitution of the united states of America .

69. It is hereby petitioned and summonsed that this court issues a writ of habeas corpus in the form and amendment to the constitution of the united states of America in accordance with article V ,clause I ,of the constitution of the united state s of America nullifying article IV of the amendments to the constitution of the united states of America.

70. It is hereby petitioned that this court has two (choices in regards to this partition for a redress of grievance:

1 the earliest choice would be to completely disregard this petition for a redress of grievance and in so doing , inform the people of America that we indeed are a totalitarian government ,leaving the citizens of America with only one choice to once again ,take up arms and annihilate politically these men who think they are more powerful than the people who allow them to govern them. If the court doubts how far people will go achieve their freedom ,then look back on history.

2. The hardest choice in regards to this partition for a redress of grievance contains the following parts;

a. this court must except this humble petition for a redress of grievance and uphold article I of the amendments of the constitution of the united states of America.

b. this court must recognize the judiciary act of 1769.

c. this court must prosecute only these who have violated the constitution of the united states of America and not all the people of this country ,for policies some elected officials have adopted .

d. this court must produce one law ,that does not allow me "freedom of choice" as to what school my children shall attend ,in accordance with article I ,section 8 , clause 18 of the constitution of the united states of America.

e. this court must interpret article one , section 9, clause 2 ,of the constitution of the constitution of the united states of America, article Iv, section 2 , clause I of the constitution of united states of America ;article I of the amendments to the constitution of the united states of America ;article V of the amendments to the constitution of the united state of America ;article VI & Vii of the

15

amendments to the constitution of the united states of America ; article Viii of the amendments to the constitution of the united states of America; article IX of the amendments to the constitution of the united s states of America ; article X of the amendments to the constitution of the united states pf America; article Viii of the amendments to the constitution of the united states pf America, and article XIV of the amendments to the constitution of the united states of America different then what has been interpreted by great justice of the supreme court of the united states of America, including the decisions rendered by some of the great justices presently sitting on this court .

f. this court must allow liberty in America once again

71. It is hereby petitioned that the following charges included in this " petition for a redress of grievance "are by far the greatest charges that can be made against any public servant . Knowing that the reactions of this court , the lower federal courts and the members of the securities exchange commission, maybe the same as the reaction of the king of England when he received the news of the declaration of independence , I would like to call your attention the reason Mr. Charles Carroll town appears behind his name on the declaration of independence . "the name of Carroll is the only one of the declaration to which the residents (italica(of the signer is appended. The reason why it was done in this case , is understood to be as follows. The patriots who signed that document, did it ,almost literally , with ropes about their necks , it being generally supposed that they would, if unsuccessful, be hanged as rebels' .when Carroll has signed his name , someone at his elbow remarked , "you ll get clear --- there are several of that name -- they will not know which to take. " " not so , "replied he , and immediately added , " of Carrollton " . (united states book , j . w. barber , 1833 new haven).

72. It is herein charged that the united states district court, southern district of Florida, did on the 17th day of October 2013, violate the seventeenth section of the judiciary act of 1789 c . 20 , and in so doing conspired with the securities exchange commission. to violate article I , section , clause 18 by unlawfully legislating laws contrary to the aforementioned article."

73. It is herein charged that the united states district court, southern district of Florida, did willfully violate article IV , section 2, clause I of the constitution of the united states of America ;article I the amendments to the constitution of the united states pf America, article V of

the amendments to the constitution of the united states of America, article VI & VII of the amendments to the constitution of the united states pf America; article VIII of the amendments to the constitution of the united states of America; article IX of the amendments of the constitution of the united states of America ;article X of the amendments to the constitution of the united states of America; article XIII of the amendments to the constitution of the united states of America and article XIV of the amendment to the constitution of the united states of America.

74. It is herein petitioned that the evidence of the above violations is on file and was filed at 3 pm October 17th ,2013 in the united states district court southern district of Florida , case no. 9:12-cv-80021

75. It is herein charged that the united states district court, southern district of Florida acted , on October 17th ,2013 as a totalitarian court in direct violation of artcle VI & VII , clause 2 and clause 3 of the constitution of the united states of America.

76. It is herein charged that the united states district court, southern district of Florida did violate article III ,section I of the constitution of the united states of America.

77. It is herein petitioned that if these charges are false , this court can produce each and every writ of habeas corpus in this petition.

78. It is herein charged that attorney general Eric holder ,attorney general Pam bondi, concerning the civil rights division of the united states of America by failure to take action when notified under article I of the amendments to the constitution of the united states of America on October 17th 2013 and October 17th ,2013 that article IV , section 2 , clause I of the constitution of the united states of America have been violated by the untied states district court , southern district of Florida and the securities exchange commission of the united states of America.

79. It is herein charged that the attorney generals and above the securities exchange commission by not upholding article VI & VII clause 3 of the constitution of the united states pf America did conspire with the united states district court , southern district of Florida te set up a totalitarian government enforcing its edict on the free citizens of America , particularly me and my family.

80. It is herein charged that the above charged members of the securities exchange commission of the united states conspire with the united states district court , southern district of Florida to violate articles I ,V, VI,VII,VIII, IX ,X XIII, and XIV of the amendments to the constitution of the united states of America.

81. It is hereby petitioned that the evidence for the above violations is on record in the united states southern district court , southern district of Florida in the form of a petition for redress of grievance received on October 17th 2013, and a petition redress grievance received on oct. 17th 2013.

82. It is hereby petitioned that I these charges are false ,this court can produce each and every writ of habeas corpus in this petition.

83. It is herein charged that the united states securities exchange commission ,and the united states southern district court of Florida did on the October 17th 2013 , violate these seventeenth section of the judiciary act of 1789 ,c. 20. , and in so doing , conspired with securities exchange commission ,the united states district court , southern district of Florida , and the above mentioned members of the united states securities exchange commission to violate article I , section 8 , clause 18th by unlawfully legislating laws contrary to the aforementioned articles.

84. It is herein charged that the united states securities exchange commission ,and the united states southern district court of Florida did on the October 17th 2013 , suspend the writ of habeas corpus in direct violation of article I ,section 9, clause 2 of the constitution of the united states of America.

85. It is herein charged that the united states securities exchange commission ,and the united states southern district court of Florida did on the October 17th 2013 Violate article IV , section 2 , clause I of the constitution of the united states of America.

86. It is herein charged that the united states securities exchange commission ,and the united states southern district court of Florida, did on October 17th 2013 violate article VI & VII , clause 2 and clause 3 of the constitution of the united states of america.

87. It is herein charged that the united states securities exchange commission ,and the united states southern

district court of Florida, did on October 17th 2013 violate article I of the amendments to the constitution of the united states of America.

88. Its is herein charged that the united states securities exchange commission ,and the united states southern district court of Florida, did on October 17th 2013 violate Article V of the amendments o the constitution of the united states of America.

89. Its is herein charged that the united states securities exchange commission ,and the united states southern district court of Florida, did on October 17th 2013 violate Article VI &VII ,section VIII , IX ,X ,XII and XIV of the amendments to the constitution of the united states of America .

90. Its is herein charged that the united states securities exchange commission ,and the united states southern district court of Florida, did on October 17th 2013 violate Article III ,section I of the constitution of the united states of America .

91. It is hereby petitioned that the evidence of the above violations is on file and was file on October 17th 2013 By the deputy clerk of the united states court of Florida ,southern district of Florida.

92. Its is herein charged that if theses charges are false ,the court and the commission can produce each and every writ of habeas corpus in this petition .

93. It is herein charge that the lawyers and agents of the securities exchange commission of the united states have conspire with the united states court southern district of Florida; the above mention members of securities exchange commission ;the united states district court, southern district of Florida to violate article VI & VII clause 2 and clause 3 of the constitution of the united states of America and have allowed involuntary servitude to be placed upon me and my family residents òf the states of Florida in direct violation of article XIII of the amendment to the constitution of the united states of America.

94. it is hereby petitioned, that magistrate Hopkins and senior judge Ryskamp and associated justices, that you brethren of the court have the final say so in regards to the interpretation of the constitution of the united states of America. I am nothing ore then an average every day citizen educated in the average schools in America. In

schools of this country , it is thought that America is the ;and of the free and that the constitution of united states of America is not just a piece of paper but the foundation for this freedom. If you brethren of the court s derive your power from the constitution of the united states of America, then it is impossible for you to disregard this constitution. I derive the power of freedom of choice not interpreting the constitution but rather by the supreme courts interpretation of this constitution. I feel as and America citizen that this courts interpretation of the fourteenth amendment in the is bar far the greatest form of justice ever rendered with the exception of the emancipation proclamation, but because of the reluctance of the securities exchange commission to enforce it, the citizens of America have been placed in involuntary servitude by this court.

95. You brethren of the court have stated that the freedom of the choice plan for public education was not a "sacred talisman "in those , but I say to you that the constitution of the united states of America is a "sacred talisman" and the rights it grants have to be a "sacred talisman ". this court held in 1873 that I have the right of every other citizen in America under article IV ,section 2 ,clause 1 of the constitution of the united states of America. Has it been so long since the writing of the constitution of the united states of America that this court has forgotten that this right was given to me by the abolishment of the article s of confederation ?

96. Your brethren of the court have issued court orders that discriminate against individuals who can not afford legal consul . Your brethren of the court have attempted to make the rules and law s of this great state and the united states of America, like the systems of the union of soviet socialist republics, (the government informs the people of America what who are pro se in this court) all of this you have done in order to bring the American to the realization that dual but equal due process of law and the non appointment of consul were unconstitutional .

97. Prejudiced ,racisms and discrimination cannot be erased by issuing orders from the highest court or the lowest courts of this country when those orders commit the people to involuntary servitude. the only way to abolish these three stigmas is to allow people to choose the consul of their choice which your decision must allow.

98. If elected officials operate this country including the court systems in direct violation to the fourteenth

amendment to the constitution of the united states of America and try to force the above stigmas on the people of America ,then these public officials should indicted by a federal grand jury for violations of their oath to support the constitution of the united states of America.

In palm beach county Florida , the commission admitted in court that they were operating separate but equal institutions enforcing their edict on Daniel Imperato or others . By charging these elected public officials with a violation of the fourteenth amendment to the constitution of the united states of America it is doubtful that members who replace them would violate the fourteenth amendment to the constitution of the united states of America . It s true that all the people would choose to have the right to consul and its is true that's all the people would have the right to consul , but those who did could did could say the constitution of the united states of America gives me this liberty . Those that did not choose would no be saying the federal court s have taken away our liberty according to the constitution of the united states of America.

99. I have summonsed you members of the court to grant only one thing -- the right of freedom of choice to a jury trial or produce the laws under the constitution which deny me this right.

Respectfully Petitioned

Daniel J IMPERATO

[REDACTED]

Affidavit

[REDACTED]

State of Florida Palm beach county
Sworn to and subscribed before me the undersigned notary public ,this day of . 2013
My commission expires
___ personally known ___ produces identification type produced _____

Notary public

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO: 12-80021-CIV-RYSKAMP\HOPKINS

Securities & Exchange Commission

Plaintiff

vs.

Imperiali, Inc., et al

Defendant

NOTICE OF TRIAL

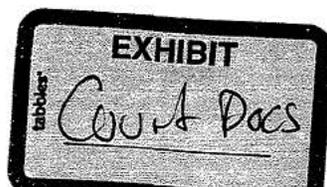
This case is set for **jury TRIAL** commencing the two-week trial period of **November 4, 2013**, in West Palm Beach, Florida. All matters relating to the scheduled trial date may be brought to the attention of the court at **CALENDAR CALL** on **October 31, 2013** in the Federal Courthouse, Courtroom No. 1, 701 Clematis Street, 4th floor, West Palm Beach, Florida at 1:15 P.M.

Plaintiff's counsel shall notify any attorneys not listed below of this notice of trial. Any motion for a continuance **MUST** be in writing in order to be considered.

DATED this 22nd day of June, 2012.

/s/ Sharon J. Hibbs
SHARON J. HIBBS, Judicial Administrator to
JUDGE RYSKAMP

c: All Counsel of Record



Pages # 1 - 76

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

Case No 12-80021-CIV-RYSKAMP/HOPKINS

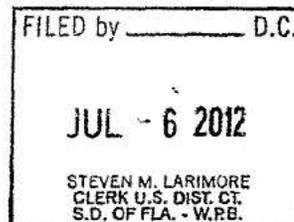
SECURITIES AND EXCHANGE COMMISSION,

Plaintiff,

vs.

IMPERIALI, INC., et al.,

Defendants.



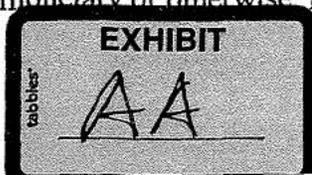
STANDING DISCOVERY ORDER FOR
MAGISTRATE JUDGE JAMES M. HOPKINS

The following procedures are designed to help the Parties and the Court work together to timely resolve discovery disputes without undue delay and unnecessary expense.

MEET AND CONFER

Counsel **must** actually confer (in person or via telephone) and engage in a genuine effort to resolve their discovery disputes **before** filing discovery motions. In other words, there must be **an actual conversation** before a discovery motion is filed. During this conversation, **counsel shall discuss the available options for resolving the dispute without court intervention** and make a concerted, good faith effort to arrive at a mutually acceptable resolution. If counsel refuses to participate in a conversation, then the movant shall so state in the required certificate of conference and outline the efforts made to have a conversation.

The Court may impose sanctions, monetary or otherwise, if it determines discovery is



2

being improperly sought, is being withheld in bad faith or if a party fails to confer in good faith. Sending an email or telefax to opposing counsel with a demand that a discovery response or position be provided on the same day will rarely, if ever, be deemed a good faith effort to confer before filing a discovery motion.

DISCOVERY MOTIONS

If parties are unable to resolve their discovery disputes without Court intervention, U.S. Magistrate Judge James M. Hopkins will hold a regular discovery motion calendar every Thursday, beginning at 1:00 p.m. at the Paul G. Rogers Federal Building and Courthouse, 701 Clematis Street, Courtroom 6, West Palm Beach, FL 33401.

If a discovery dispute arises, the movant shall file a motion, **no longer than 5 pages** (not counting signature block and certificate of service) by the **close of business on the Monday immediately preceding that Thursday's discovery motion calendar call**. The purpose of the motion is merely to frame the discovery issues and succinctly explain the dispute. The moving party must attach as exhibits any materials relevant to the discovery dispute (i.e., discovery demands/responses). The motion shall include citations to cases and other authority the movant wishes the Court to consider.

By the close of business on Wednesday, the day before the discovery motion calendar call, the opposing party must file a response to the motion, **no longer than 3 pages** (not counting signature block and certificate of service), containing any cases or other authority it wishes the Court to consider, and attaching any necessary exhibits, not already attached to the movant's papers.

Upon receipt of the pleading(s), the Court will enter an endorsed order setting the matter down for a hearing on Thursday of that week, and advising the parties of the specific time they must appear. Motions will begin to be heard at 1:00 p.m. and will continue thereafter as necessary. If either party wishes to appear by telephone, they must so advise the Court in their pleading. Parties wishing to appear by telephone will be contacted at the phone number listed on the docket sheet, unless an alternate number is provided in advance of the hearing.

PRE-HEARING DISCUSSIONS

The mere fact that the Court has scheduled a discovery hearing/conference does not mean that the parties should no longer try to resolve the dispute. To the contrary, the parties are encouraged to continually pursue settlement of disputed discovery matters. If those efforts are successful, then counsel should contact Judge Hopkins' chambers as soon as practicable so that the hearing can be timely canceled. Alternatively, if the parties resolve some, but not all, of their issues before the hearing, then counsel shall also timely contact chambers and provide notice about those issues which are no longer in dispute (so that the Court and its staff do not unnecessarily work on matters which became moot).

EXPENSES, INCLUDING ATTORNEY'S FEES

The Court reminds the parties and counsel that Fed. R. Civ. Pro. 37 (a) (5) requires the Court to award expenses, including fees, unless an exception (such as the existence of a substantially justified, albeit losing, discovery position) applies to the discovery dispute and ruling.

DONE and ORDERED in Chambers at West Palm Beach, Florida, this 6th day of July,

2012.

James M. Hopkins

JAMES M. HOPKINS
UNITED STATES MAGISTRATE JUDGE

Copies to:
Counsel of Record



SR. UNITED STATES MAGISTRATE JUDGE
PETER R. PALERMO
SETTLEMENT CONFERENCE
SIGN-IN SHEET

Thursday, October 11, 2012

SECURITIES AND EXCHANGE COMMISSION,

v.

IMPERALI, INC., DANIEL IMPERATO, CHARLES FISCINA &
LAWRENCE A. O'DONNELL,

CASE NO. 12-80021-CIV-RYSKAMP/HOPKINS

PLEASE PRINT

PLAINTIFFS

SEC

DEFENDANTS

Timothy S. McCole
Name (please print)
Counsel
Relationship to Party

[Signature]
Name (please print)
Pro Se
Relationship to Party

Name (please print)

Relationship to Party

Name (please print)

Name (please print)



9:12-cv-80021-KLR Securities and Exchange Commission v. Imperiali, Inc. et al CASI
CLOSED on 03/14/2013

U.S. District Court

Southern District of Florida

Notice of Electronic Filing

The following transaction was entered by McCole, Timothy on 5/6/2013 at 11:13 PM EDT and f
5/6/2013

Case Name: Securities and Exchange Commission v. Imperiali, Inc. et al

Case Number: 9:12-cv-80021-KLR

Filer: Securities and Exchange Commission

WARNING: CASE CLOSED on 03/14/2013

Document Number: 105

Docket Text:

**MOTION for Summary Judgment and Memorandum of Law In Support by Securities
Exchange Commission. Responses due by 5/23/2013 (Attachments: # (1) Statement
Facts, # (2) Appendix 001-083, # (3) Appendix 084-134, # (4) Appendix 135-208, # (5)
Appendix 209-213B, # (6) Appendix 214-221, # (7) Appendix 222-244, # (8) Appendix
264, # (9) Appendix 265-271, # (10) Appendix 272-290, # (11) Appendix 291-312, # (12)
Appendix 313-322, # (13) Appendix 323-342, # (14) Appendix 343, # (15) Appendix 34
351, # (16) Appendix 352-357, # (17) Appendix 358-376)(McCole, Timothy)**

9:12-cv-80021-KLR Notice has been electronically mailed to:

Jennifer Brandt brandtj@sec.gov, fairchildr@sec.gov, justicet@sec.gov, stewartan@sec.gov

Timothy S. McCole McColeT@sec.gov, fairchildr@sec.gov, justicet@sec.gov, stewartan@sec.gov

**9:12-cv-80021-KLR Notice has not been delivered electronically to those listed below and will be
provided by other means. For further assistance, please contact our Help Desk at 1-888-318-22**

Daniel Imperato

The following document(s) are associated with this transaction:

Document description:Main Document

Original filename:n/a

Electronic document Stamp:

[STAMP dcecfStamp_ID=1105629215 [Date=5/6/2013] [FileNumber=11304354-0
] [6bfb22b52de9001b1650da72a3615078a9b66d98edce9f41919a9d57a9fde40b1be



UNITED STATES
SECURITIES AND EXCHANGE COMMISSION
BURNETT PLAZA, SUITE 1900
801 CHERRY STREET, UNIT #18
FORT WORTH, TEXAS 76102-6882
PHONE: (817) 978-3821 FAX: (817) 978-2700

IN REPLYING
PLEASE QUOTE
FW-3245

October 15, 2012

VIA UPS: 1ZA3781XA294311189

Daniel Imperato
Imperiali, Inc.
c/o Daniel Imperato, Registered Agent
[REDACTED]

Re: Return of Imperato Tax Returns
SEC v. Imperiali, Inc. et al.
Civil Action No.: 9:12-cv-80021, USDC SD Fla.

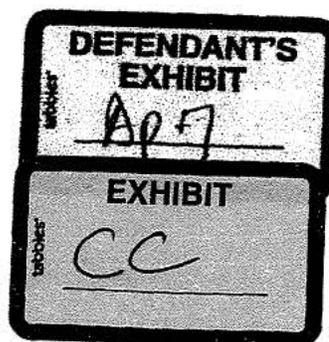
Dear Mr. Imperato:

Enclosed are your original 2006, 2007 Amended, and 2008 through 2010 Tax Returns that you provided Timothy McCole at the Court hearing on October 11, 2012.

Please contact Timothy McCole with any questions at 817.978.6453 or via email at McColeT@sec.gov.

Sincerely,

Tina Justice
Trial Paralegal



Timothy s. Mc Cole
801 cherry st. 19th fl
Ft worth Texas 76012

██████████ ██████████ ██████████ ██████████
Attorney for plaintiff
Email mccolet@sec.gov.

May 7th 2013.

Please find the copies of documents you were sent back some time ago.

I know you blamed the US mail for the last documents sent. Have no ability to make any statements as to my ex wifes belongings as stated in the past.

I have given you authorization long ago back in 2008 with all bank information's and accounts back then as well as have given you audited tax returns for the years in question.

I am insolvent and fighting for my life and food on my table.

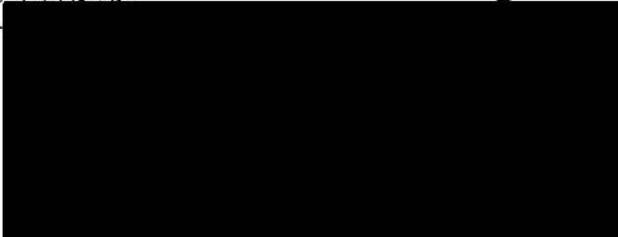
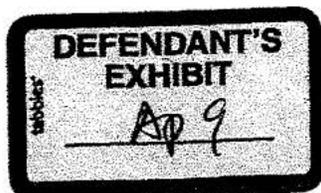
I am innocent man and never received any ill botten gains ever.

If you require any further please advise.

DATED : May 7, 2013

Respectfully submitted

Daniel Imperato
Pro se





UNITED STATES
SECURITIES AND EXCHANGE COMMISSION
BURNETT PLAZA, SUITE 1900
801 CHERRY STREET, UNIT #18
FORT WORTH, TEXAS 76102-6882
PHONE: (817) 978-3821 FAX: (817) 978-2700

IN REPLYING
PLEASE QUOTE
FW-3245

April 4, 2013

Daniel Imperato



Re: Proposed Settlement in SEC v. Imperiali, Inc. et al.
Civil Action No.: 9:12-cv-80021; USDC SD Fla.

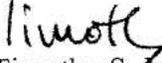
Danny:

To complete the settlement we reached under Judge Palermo, I still need the sworn financial statement and your bank statements for the last 12 months. Please send those along as soon as you can. If you have any questions or would like to discuss any issues, please call me.

I have emailed you recently, but received no response. And, when I dial your phone number, I get a message that your phone cannot accept any calls. If your email and phone number have changed, please call me with that new information.

I hope you are well. I look forward to hearing from you soon. You can reach me at 817.978.6453 or McColeT@sec.gov.

Sincerely,


Timothy S. McCole
Trial Attorney

tabbies
DEFENDANT'S
EXHIBIT
Apr 3

tabbies
EXHIBIT
DID



UNITED STATES
SECURITIES AND EXCHANGE COMMISSION
BURNETT PLAZA, SUITE 1900
801 CHERRY STREET, UNIT #18
FORT WORTH, TEXAS 76102-6882
PHONE: (817) 978-3821 FAX: (817) 978-2700

IN REPLYING
PLEASE QUOTE
FW-3245

October 15, 2012

VIA UPS: 1ZA3781XA294311189

Daniel Imperato
Imperiali, Inc.



Re: Return of Imperato Tax Returns
SEC v. Imperiali, Inc. et al.
Civil Action No.: 9:12-cv-80021, USDC SD Fla.

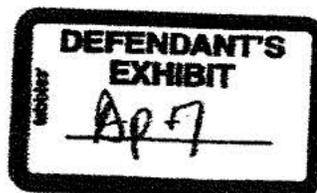
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Please contact Timothy McCole with any questions at 817.978.6453 or via email at McColeT@sec.gov.

Sincerely,

Tina Justice
Trial Paralegal



Timothy s. Mc Cole
801 cherry st. 19th fl
Ft Worth Texas 76012
Tel 817 978 6453 fax 817 978 4927
Attorney for plaintiff
Email mccolet@sec.gov.

May 7th 2013.

Please find the copies of documents you were sent back some time ago.

I know you blamed the US mail for the last documents sent. Have no ability to make any statements as to my ex wifes belongings as stated in the past.

I have given you authorization long ago back in 2008 with all bank information's and accounts back then as well as have given you audited tax returns for the years in question.

I am insolvent and fighting for my life and food on my table.

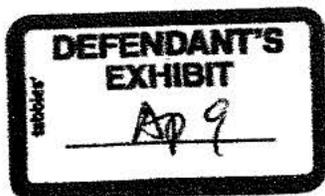
I am innocent man and never received any ill botten gains ever.

If you require any further please advise.

DATED : May 7, 2013

Respectfully submitted

Daniel Imperato



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

Case No. 12-80021-Civ-Ryskamp/Hopkins

SECURITIES AND EXCHANGE COMMISSION,

Plaintiff,

v.

IMPERIALI, INC., et al,

Defendants.

FILED by _____ D.C.

JAN 14 2013

STEVEN M. LARIMORE
CLERK U.S. DIST. CT.
S.D. OF FLA. - W.F.B.

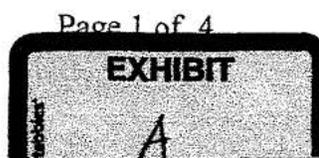
REPORT AND RECOMMENDATION

THIS CAUSE has come before this Court upon an Order referring all pre-trial matters to the United States Magistrate Judge Ann E. Vitunac (DE 19), and upon reassignment of this case to the undersigned United States Magistrate Judge (DE 35).

BACKGROUND

In this case, Plaintiff, the Securities and Exchange Commission, alleges that Defendants violated various provisions of the securities laws. (DE 1). The trial is set for the two-week trial period commencing on November 4, 2013. (DE 77). Discovery is due to be completed by April 8, 2013, and the deadline to file dispositive motions is May 6, 2013. (DE 60).

Between May 10, 2012 and June 26, 2012, Defendant Daniel Imperato, appearing pro se, filed over forty Motions and Notices in this case, or approximately one per day on average, including weekends. Most of the Motions are duplicates. In these filings Defendant Imperato seeks dismissal of this case with prejudice based on Plaintiff's counsel's failure to timely initiate a scheduling conference as required by the District Court's Order of Pretrial Procedures.



On June 26, 2012, the Court held a hearing on some of Defendant Imperato's Motions. At the hearing, Defendant Imperato was ordered to accompany each future filing with an affidavit certifying that the claims being raised are novel, subject to contempt for false swearing. *See Procup v. Strickland*, 792 F.2d 1069, 1070-1074 (11th Cir. 1986) (*en banc*).

Defendant Imperato made two filings since the hearing, one of which was accompanied by the certification (Notice, DE 98), and one of which was not (DE 99).

Plaintiff had requested that mediation in this case be referred to the United States Magistrate Judge Peter R. Palermo, and the District Court granted this request. (DE 93). Judge Palermo held a settlement conference on October 11, 2012. (DE 100). The case was tentatively settled with Defendant Imperato.

DISCUSSION

Because the case against Defendant Imperato has been settled, his Motions requesting dismissal of this matter¹ should be denied as moot.

Alternatively, Defendant Imperato's Motions should be denied as premature because discovery in this case does not close for several months. *See WSB-TV v. Lee*, 842 F.2d 1266, 1269 (11th Cir. 1988) (granting summary judgment before affording plaintiff an adequate opportunity to conduct discovery is reversible error). The Motion for Summary Judgment (DE 99) is also due to be stricken from the record for failure to comply with the certification requirement.

CONCLUSION

In conclusion, **IT IS HEREBY RECOMMENDED THAT** Defendant Imperato's Motions

¹This includes docket entries 26, 30, 31, 33, 34, 36, 37, 38, 40, 41, 42, 43, 44, 44, 46, 47, 48, 49, 50, 53, 54, 55, 56, 57, 58, 59, 63, 64, 65, 67, 68, 70, 71, 72, 75, 79, 80, 81, 82, 83, and 99.

(DEs 26, 30, 31, 33, 34, 36, 37, 38, 40, 41, 42, 43, 44, 44, 46, 47, 48, 49, 50, 53, 54, 55, 56, 57, 58, 59, 63, 64, 65, 67, 68, 70, 71, 72, 75, 79, 80, 81, 82, 83, and 99) be **DENIED**.

NOTICE OF RIGHT TO OBJECT

A party shall serve and file written objections, if any, to this Report and Recommendation with the Honorable Kenneth L. Ryskamp, Senior United States District Court Judge for the Southern District of Florida, within fourteen (14) days of being served with a copy of this Report and Recommendation. *See* 28 U.S.C. § 636(b)(1) (providing that “[w]ithin fourteen days after being served with a copy, any party may serve and file written objections to such proposed findings and recommendations as provided by rules of court.”); *see also* Fed. R. Civ. P. 72(b) (“Within 14 days after being served with a copy of the recommended disposition, a party may serve and file specific written objections to the proposed findings and recommendations. A party may respond to another party’s objections within 14 days after being served with a copy”). Failure to timely file objections shall bar the parties from attacking on appeal the factual findings contained herein. *See LoConte v. Dugger*, 847 F.2d 745 (11th Cir. 1988), *cert. denied*, 488 U.S. 958 (1988); *RTC v. Hallmark Builders, Inc*, 996 F.2d 1144, 1149 (11th Cir. 1993).

DONE AND SUBMITTED in Chambers this 11 day of January 2013, at West Palm Beach in the Southern District of Florida.

James M. Hopkins

JAMES M. HOPKINS
UNITED STATES MAGISTRATE JUDGE

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
WEST PALM BEACH DIVISION

Case No.: 12-CV-80021-RYSKAMP/HOPKINS

SECURITIES AND EXCHANGE COMMISSION,

Plaintiff,

v.

IMPERIALI, INC. et al.,

Defendants.

**ORDER ADOPTING REPORT AND RECOMMENDATIONS OF MAGISTRATE
JUDGE AND CLOSING CASE**

THIS CAUSE comes before the Court on the report of United States Magistrate Judge Hopkins [DE 101] entered on January 14, 2013. Plaintiff filed no objections to the Magistrate's report. This matter is ripe for adjudication.

The Court has conducted a *de novo* review of the report, objections, and pertinent portions of the record. Accordingly, it is hereby

ORDERED AND ADJUDGED that

- (1) The report of United States Magistrate Judge Hopkins [DE 101] be, and the same hereby is **RATIFIED, AFFIRMED and APPROVED** in its entirety;



(2) Defendant Daniel Imperato's motions [DE 26, 30, 31, 33, 34, 36, 37, 38, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 53, 54, 55, 56, 57, 58, 59, 63, 64, 65, 67, 68, 70, 71, 72, 75, 79, 80, 81, 82, 83, 99] is DENIED.

DONE AND ORDERED in Chambers at West Palm Beach, Florida this 14 day
of March, 2013.

/s/ Kenneth L. Ryskamp
KENNETH L. RYSKAMP
UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

SECURITIES AND EXCHANGE
COMMISSION,

Plaintiff,

Civil Action No.: 9:12-cv-80021

v.

IMPERIALI, INC.,
DANIEL IMPERATO,
CHARLES FISCINA, AND
LAWRENCE O'DONNELL,

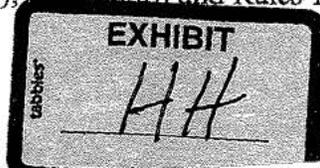
Defendants

CONSENT OF DEFENDANT DANIEL IMPERATO

1. Defendant Daniel Imperato ("Defendant") acknowledges having been served with the complaint in this action, enters a general appearance, and admits the Court's jurisdiction over Defendant and over the subject matter of this action.

2. Without admitting or denying the allegations of the complaint (except as to personal and subject matter jurisdiction, which Defendant admits), Defendant hereby consents to the entry of the final Judgment in the form attached hereto (the "Final Judgment") and incorporated by reference herein, which, among other things:

- (a) Permanently restrains and enjoins Defendant from violating Sections 5(a), 5(c), and 17(a) of the Securities Act of 1933 ("Securities Act")[15 U.S.C. §§ 77e(a), 77e(c), and 77q(a)]; Sections 10(b), 13(b)(5), and 15(a) of the Securities Exchange Act of 1934 ("Exchange Act")[15 U.S.C. §§ 78j(b), 78m(b)(5), and 78o(a)] and Rules 10b-5, 13b2-1, 13b2-2, and 13a-14



thereunder [17 C.F.R. §§ 240.10b-5, 240.13b2-1; and 240.13b2-2]; and Section 34(b) of the Investment Company Act of 1940 ("Investment Company Act"); and from aiding and abetting violations of Sections 13(a), 13(b)(2)(A), and 13(b)(2)(B) of the Exchange Act [15 U.S.C. §§ 78m(a), 78m(B)(2)(A), and 78m((b)(2)(B)] and Rules 12b-20, 13a-1, 13a-11, and 13a-13 thereunder [17 C.F.R. § 240.12b-20, 240.13a-1, 240.13a-11, and 240.13a-13]; and

- (b) Prohibits Defendant, pursuant to Section 20(e) of the Securities Act [15 U.S.C. § 77t(e)] and Section 21(d)(2) of the Exchange Act [15 U.S.C. § 78u(d)(2)], from acting as an officer or director of any issuer that has a class of securities registered under Section 12 of the Exchange Act [15 U.S.C. § 78l] or that is required to file reports pursuant to Section 15(d) of the Exchange Act [15 U.S.C. § 78o(d)]

3. Defendant acknowledges that the Court is not imposing a civil penalty or requiring payment of ^{Bm P} \$606,412.31 of disgorgement and pre-judgment interest based on Defendant's sworn representations in Defendant's Statement of Financial Condition as of September 28, 2012, and other documents and information submitted to the Commission. Defendant further consents that if at any time following the entry of the Final Judgment the Commission obtains information indicating that Defendant's representations to the Commission concerning Defendant's assets, income, liabilities, or net worth were fraudulent, misleading, inaccurate, or incomplete in any material respect as of the time such representations were made, the Commission may, at its sole discretion and without prior notice to Defendant, petition the Court for an order requiring Defendant to pay the unpaid portion of the disgorgement, pre-

Witnessed by: Harvey Honis
Harvey Honis.

14. Defendant agrees that this Court shall retain jurisdiction over this matter for the purpose of enforcing the terms of the Final Judgment.

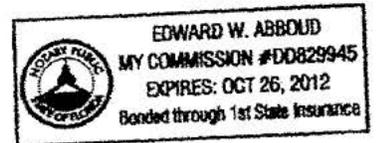
Dated: Oct 11, 2012

[Signature]
Daniel Imperato Under Oath

On Oct 11, 2012, 2012, Daniel Imperato, a person known to me, personally appeared before me and acknowledged executing the foregoing Consent.

Edward W. Abboud

Notary Public
Commission expires:



Defaulted by Plaintiff was Contested
5/6

Witnessed by: [Signature]
Harvey Honig Court
off.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

SECURITIES AND EXCHANGE
COMMISSION,

Plaintiff,

Civil Action No.: 9:12-cv-80021

v.

IMPERIALI, INC.,
DANIEL IMPERATO,
CHARLES FISCINA, AND
LAWRENCE O'DONNELL,

Defendants

**FINAL JUDGMENT OF PERMANENT INJUNCTION
AS TO DEFENDANT DANIEL IMPERATO**

The Securities and Exchange Commission having filed a Complaint and Defendant Daniel Imperato, by written Consent, having entered a general appearance; consented to the Court's jurisdiction over Defendant and the subject matter of this action; consented to entry of this Final Judgment without admitting or denying the allegations of the Complaint (except as to jurisdiction); waived findings of fact and conclusions of law; and waived any right to appeal from this Final Judgment:

I.

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that Defendant and Defendant's agents, servants, employees, attorneys, and all persons in active concert or participation with them who receive actual notice of this Final Judgment by personal service or otherwise are permanently restrained and enjoined from further violating Section 5 of the

statement, application, report, account, record, or other document filed or transmitted pursuant to the Investment Company Act.

X.

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that, pursuant to Section 20(e) of the Securities Act [15 U.S.C. § 77t(e)] and Section 21(d)(2) of the Exchange Act [15 U.S.C. § 78u(d)(2)], Defendant is prohibited from acting as an officer or director of any issuer that has a class of securities registered pursuant to Section 12 of the Exchange Act [15 U.S.C. § 78l] or that is required to file reports pursuant to Section 15(d) of the Exchange Act [15 U.S.C. § 78o(d)].

XI.

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that Defendant is liable for disbursement of \$ ~~500,000~~^{✓ 75M} representing profits gained as a result of the conduct alleged in the Complaint, together with prejudgment interest thereon in the amount of \$106,412.31, for a total of \$~~606,412.31~~^{✓ 75M}. Based on Defendant's sworn representations in his Statement of Financial Condition as of September 28, 2012, and other documents and information submitted to the Commission, however, the Court is not ordering Defendant to pay a civil penalty and payment of all of the disgorgement and pre-judgment interest thereon is waived. The determination not to impose a civil penalty and to waive payment of all of the disgorgement and pre-judgment interest is contingent upon the accuracy and completeness of Defendant's Statement of Financial Condition. If at any time following the entry of this Final Judgment the Commission obtains information indicating that Defendant's representations to the Commission concerning his assets, income, liabilities, or net worth were fraudulent, misleading, inaccurate, or incomplete in any material respect as of the time such representations were made, the Commission may, at its sole

witnessed by: A. Klein 29

XIV.

There being no just reason for delay, pursuant to Rule 54(b) of the Federal Rules of Civil Procedure, the Clerk is ordered to enter this Final Judgment forthwith and without further notice.

Dated: Oct 11 12

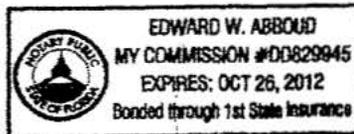
UNITED STATES DISTRICT JUDGE

Definitel by Plaintiff's own Counsel 8/6/12

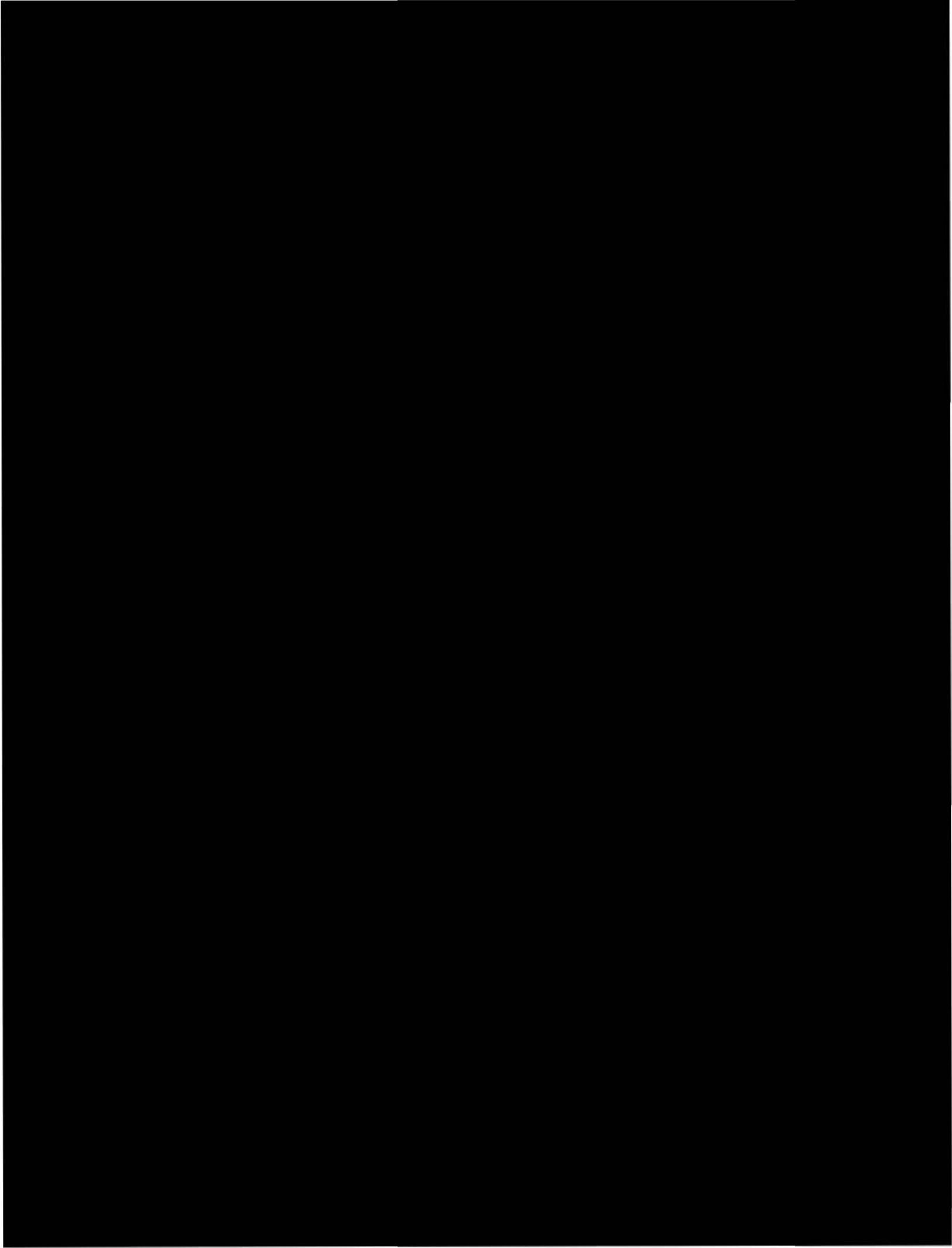
Approved as to form and content:

X ~~_____~~ UNDER DURESS
Daniel J. Imperato

SUBSCRIBED TO BEFORE ME this 11th DAY OF OCTOBER 2012



Edward W. Abboud
NOTARY PUBLIC
STATE OF FLORIDA



11
Navigators Insurance Company
One Penn Plaza
New New ,York
10119

Policy : ny08dol24236nv
April 11th 013

Attention; Navigators pro claims department

Formal notice of claim, amendment of claim and
Proof of losses

Navigators pro ,this is to notice of claims. In connection with IMPERATO inc policy number ny08dol242364nv. provided for under section VIII.

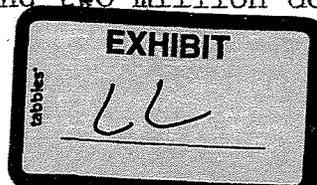
Please be advised that we are filing such notice of claims with in the statutes of limitations as a second follow up, based on your companies false statements that IMPERIALI INC, had no coverage due to your mail notices to our former attorneys as well as your declinations of claims made by our shareholders after they were informed that your company was at fault and misrepresented the fact as and denied the shareholders their coverage as well as acted in bad faith and ruined the reputation of the company with negligence which resulted in the closing of a 120 mm dollar company with plans to become a two billion dollar Company in 3 years.

From the onset your company legal consul and out side legal consul has denied us coverage based upon misinformation of factual evidence of mis management as well as your negligence do to your notices of no coverage.

With finalization of securities exchange commission complaints of mismanagement as a pure fact and other related affirmative and factual merits were hereby submit a form notice of claim under the policy even though we believe the damages go beyond the policy since your company mislead us and we experienced a major loss because of your notices by us mail and other.

Based on the damages to shareholders and loss of their company it was impossible to complete our additional evidences of claims that are amended to our original notices of claims with in the proper notice periods after your negligence's admitted in your letter dated may 21st 2010

There are claims totaling two million dollars plus discovery



56

,and or assistance and the return of premiums to the shareholders /claimants .

In addition to claims by Christ investments ,IMPERATO inc and Daniel Imperato, for abusive negligence and punitive damages and liability for the total loss of our company totaling one hundred and twenty million dollars up to two billion . Based on your and in connection own mismanagement.

The second claims on its own is based on the navigators pro and its legal counsel as well as internal controls and procedures of lack of acknowledgment of the notification of claims as well as because of such the company lacked the defenses was to be provided by the insurance company for the securities exchange case as well as the loss of Daniel IMPERATO et IMPERATO inc s lawyers whom took this case on contingency and drop the case based on you notice to them that the company never noticed navigators of a claim nor did Daniel Imperato the receiver of the company short comings based on his majority control and amounts of money owed to him and his family's well as assets totaling above seventy million dollars and a stock value of one hundred and twenty million dollars whereby treble damages does apply as matter of law and two and half time legal fees when final judgment is entered in a declaratory action against the navigators in federal court.

Due to the further actions of mismanagement pertaining to information gathered by all parties and the insurance company the shareholder have been denied their two million dollar claim and Christ investment and Imperiali inc have been severely damaged concerning the secondary claims of negligence ,false accusations ,mail fraud and other.

Upon the completion of the securities exchange claims against the company and its officers now unproven for fraud but certainly witness to factual mismanagement, we hereby continue the claims and proof of loss pertaining to said claims .

We have hold your company accountable to the fullest extent of the laws for the total amounts of the policies ,as well as 2.5 time legal fees upon success and addition damage for negligence .

Under your policies we believe you were to offer the company legal counsel to defend itself against the securities exchange commission of which when we informed you of such suit as a joinder you never responded in favor except that you didn't believe you were liable for the claims disclosed

to the federal court judge whom stated that the insurance joinder had merits.

Based on your neglect and denial to offer legal help we tentatively settled this case with our own out of pocket costs with prose ;litigation and at a great cost ,forcing us to settle under duress because we could not afford to defend the company any longer its was very costly and time consuming.

1. The wrong full acts of the director/officer and their names and titles as follows;

- a.Charlse Fiscna
- b.John Chaplic
- c.Dan Mangru
- d.Carl silver
- e.Garry Griffes
- f.Corren Cuningham secretary
- g.Fred birks
- h.Eric skies

The management of the company from 2007 till 2008 had mismanaged the filings processes and ultimately ruined the filing process and damaging the companies possibility to become a publicly traded stock which was promised to the shareholders .

Because of these acts the management also mismanaged the assets of the company with loss of back up files, and loss of equipment as well as the loss of global contacts due to the mismanagement which ultimately ruined the company s filing with the securities exchange commission which effectuated claims against the company by the securities exchange commission and insurmountable losses to the shareholders.

This had no bearing on Eric Skies fraudulent acts in his own company even though he was chairmen of IMPERAILI inc. His action and sentencing was not for IMPERIALI inc. and when arrested the remaining management was still in place. But based on his arrest we found all the other mismanagement concerning said claims due to FBI and SEC investigations as well as our own investigations. Then management further mismanaged the return of the assets and the company s book as and records as well as filings with sec.

Your company is negligently and with notice of no coverage added injury and damages insurmountable such as loss of

shareholder support and loss of legal counsel on contingency claims.

We all fought and the new management blamed old management for D and O and then the founder stepped in and he was blamed for all and he ruined his reputation losing shareholder support cause of what appeared to be further mismanagement based on your company statements that IMPERATO and Imperiali inc never noticed navigators of a claim.

Well that would be mismanagement ,but even 2 years later your company acknowledges the negligence.

It was too late and the company operations was over and after finally finding your error and noticing you of one hundred twenty million dollars in claims up to two billion dollars in damages.

The company ultimately got sued for all of what our insurance policies were about.

Since this has now come to an end we want the shareholders to be paid in full as well as the damages your company caused IMPERATO and Christ investments as well as Daniel IMPERATO.

The acts of mismanagement with sec. filing and assets is clearly a covered event by the insurance policies under mismanagement.

The negligence is the second part of claims for your own errors and omissions of the clients notice to your company.

2. The following claimants are requesting payments in full

[REDACTED]

[REDACTED]

The amounts of claims total two million dollars for the base of the policy amount and above ,with premium returns and discovery costs and other

Punitive damages claims sought by the shareholders And Christ investments for your companies negligence's and errors and omissions of one hundred and twenty million dollar treble damages up to two billion dollars.

Addition claims for policies premiums and out of pocket as well as legal ,discovery and any other damages that apply.

3. The damages caused by mismanagement as well as your own companies mismanagement are as follows.

- 3.1 25 mm equity in investment shares in IMPERATO inc. and subsidiaries
- 3.2 18 years of world wide relations and contacts
- 3.3 70 mm of declared assets
- 3.4 other assets not valued yet
- 3.5 company stock valuation of 120 mm value sec. confirmed
- 3.6 two billion dollars worth of future value based on financial projects and business plans signed off by Wharton school of business cco /cpa. combining 18 years of hard work and execution of such plan world wide
- 3.7 public market access and liquidity
- 3.9 credibility loss and trust with shareholders re. ins
- 3.10 loss of consul and other claims
- 3.11 securities exchange claims brought against company and its directors for fraud totaling up to hundreds of millions of dollars of accusations and ultimately a hedge financial loss and total destruction of all .

The company lost market share and momentum because of navigators own mismanagement and negligence.

4. The founder Mr. IMPERATO who came in as a white knight on two occasions and was forced to become interim board member after his withdrawal in 2006 ,was the only one to be able to

try to save the company in 2007.

Now I am being denied his own claim as well as his losses of building up 18 years of a company with a perfect record, because he was called in to save the 500 shareholders and twenty five million dollars of investment in IMPERATO inc.

Additional purchase of seventy plus million in assets from Christ investments all lost.

The interim management team answered all securities related questions and then the company turned over control to new management 2 months later oct 2007 .

Then Kaiser Himmel took control of the company thru a stock subscription agreement with promise to pay 250 mm dollars with sprint stock for IMPERATO stock in dec 2007. The deal was completed and the control position change and was announce after the management was turned over to Kaiser Himmel management team whom become also IMPERATO inc management team until such time of may 2008 when skies was arrested we the mismanagement wasn't seen completely even though was acknowledged and repaired ,but finding out after skies arrest it wasn't repaired .

IMPERATO requested by the shareholders to step in again to try to save company and found insurance policies and noticed insurance company about what happened not knowing even what the insurance was all about because he was not a lawyer and required due process such till this date .

Since he wasn't a lawyer he got lawyers Searcy Denny (shareholder) Scarola, Barnhart Shipley whom eventually quit because of infighting with IMPERATO concerning navigators declination of claims and all went to hell in a hand bucket .

Then Imperato after 2 years was notice that there was in fact insurance and the company did not navigators and he it began to notice the shareholders the navigators said IMPERATO induced the same poor people that were lied to at first .

Then the sec. came in with complaint and here were are now.

5. The reports hereby attached are proof of losses and back up of hard copies or named documents which could be provide at request .

4.1 valuations documents of assets

- 4.2 sec letters
- 4.3 sec. disc of sworn statements interview (tbc)
- 4.4 attorney letters (scarola searcy denny)
- 4.5 Crowder attorney (greenburg traug)

The company reserves the right to add further proof as is deemed required at a later date or at discovery in a jury trial which the company ,its shareholders and founder will invoke if required to go to a court of law.

In addition the company is requesting as it had in the past for your lawyers to provide a copy of all documents they have in their possession to date concerning this loss. The company and its founders will invoke its rights to apply the freedom of information act to obtain any and all documents ,communications or other necessary evidence in excising their rights of so required to do so.

The company and its shareholders and directors as well as founders would like to settle this case prior to filing a case in court and are willing to mediate or to arbitrate if done within 90 days of this claim and proof of loss.

Demands hereby need to appoint an adjuster for this claim at once.

Once again the company and its shareholders and founders intend to exercise all of their rights and claims in the full amounts applicable by law as well as publicize the claims by filing court case and speak out on world wide networks concerning the negligence and destruction of the life of 18 years of hard work with no regards for the navigators own wrongful acts .

The enclosed claimants have verbally authorized such claim of loss and will follow up with affidavits and powers of attorney if deemed required to supporting Christ investments and all the shareholders collectively to eliminate and shorten the process to settle this matter if your company so desires.

Govern Your Self Accordingly

Dr. Daniel Imperato Fr. K.M. S.S.P GM + OB

